

A10969975

Further provision about when a hospital's level of security is excessive

5.—(1) Paragraph (2) makes provision for the purposes of—

- (a) sections 268 to 271 of the Act, and
- (b) regulation 4.

(2) A patient's detention in a hospital is to be taken to involve the patient being subject to a level of security that is excessive in the patient's case when the security at the hospital is greater than is necessary to safely manage—

- (a) the risk that the patient may pose to—
 - (i) the patient's own safety; and
 - (ii) the safety of any other person; and
- (b) any risk to the patient's safety that other persons may pose.