



# Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

## PART 8

### MENTALLY DISORDERED PERSONS: CRIMINAL PROCEEDINGS

#### CHAPTER 2

##### DISPOSALS ON CONVICTION AND ACQUITTAL

###### *Probation with a requirement of treatment*

#### **135 Amendment of 1995 Act: probation for treatment of mental disorder**

In section 230 of the 1995 Act (probation orders requiring treatment for mental disorder)—

- (a) in subsection (1)—
  - (i) at the beginning there shall be inserted “Subject to subsection (3) below,”; and
  - (ii) the words “, not extending beyond 12 months from the date of the requirement,” shall cease to have effect; and
- (b) for subsection (3) there shall be substituted—

“(3) A court may make a probation order including a requirement under subsection (1) above only if it is satisfied—

- (a) on the written or oral evidence of the registered medical practitioner or chartered psychologist by whom or under whose direction the treatment intended to be specified in the order is to be provided, that the treatment is appropriate; and
- (b) that arrangements have been made for that treatment, including, where the offender is to be treated as a resident patient, arrangements for his reception in the hospital intended to be specified in the order.”.