Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Hospital directions is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VI

MENTAL DISORDER

VALID FROM 05/10/2005

[F1Hospital directions]

Textual Amendments

F1 Ss. 59A-59C and preceding cross-heading substituted for s. 59A (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 331(1), 333(1)-(4), Sch. 4 para. 8(6); S.S.I. 2005/161, art. 3

[F259B Hospital direction: mental health officer's report

- (1) This section applies where the court is considering making a hospital direction in relation to an offender under section 59A of this Act.
- (2) If directed to do so by the court, the mental health officer shall—
 - (a) subject to subsection (3) below, interview the offender; and
 - (b) prepare a report in relation to the offender in accordance with subsection (4) below.
- (3) If it is impracticable for the mental health officer to comply with the requirement in subsection (2)(a) above, the mental health officer need not do so.
- (4) The report shall state—
 - (a) the name and address of the offender;
 - (b) if known by the mental health officer, the name and address of the offender's primary carer;

Status: Point in time view as at 27/06/2003. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Hospital directions is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) in so far as relevant for the purposes of section 59A of this Act, details of the personal circumstances of the offender; and
- (d) any other information that the mental health officer considers relevant for the purposes of that section.
- (5) In this section, "carer", "primary", in relation to a carer, and "mental health officer" have the same meanings as in section 57C of this Act.]

Textual Amendments

F2 Ss. 59A-59C and preceding cross heading substituted for s. 59A (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 331(1), 333(1)-(4), Sch. 4 para. 8(6); S.S.I. 2005/161, art. 3

[F359C Hospital direction: supplementary

- (1) If, before the expiry of the period of 7 days beginning with the day on which a hospital direction is made, it appears to the court, or, as the case may be, the Scottish Ministers, that, by reason of emergency or other special circumstances, it is not reasonably practicable for the offender to be admitted to the hospital specified in the hospital direction, the court, or, as the case may be, the Scottish Ministers, may direct that the offender be admitted to such other hospital as is specified.
- (2) Where—
 - (a) the court makes a direction under subsection (1) above, it shall inform the person having custody of the offender; and
 - (b) the Scottish Ministers make such a direction, they shall inform—
 - (i) the court; and
 - (ii) the person having custody of the offender.
- (3) Where a direction is made under subsection (1) above, the hospital direction shall have effect as if the hospital specified in the hospital direction were the hospital specified by the court, or, as the case may be, the Scottish Ministers, under subsection (1) above.
- (4) In this section, "court" means the court which made the hospital direction.]

Textual Amendments

F3 Ss. 59A-59C and preceding cross heading substituted for s. 59A (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 331(1), 333(1)-(4), Sch. 4 para. 8(6); S.S.I. 2005/161, art. 3

Status:

Point in time view as at 27/06/2003. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: Hospital directions is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.