



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VI

MENTAL DISORDER

[^{F1}Treatment orders

[^{F1}52Q Review of treatment order

- (1) The responsible medical officer shall, where that officer is satisfied—
 - (a) that any of the conditions mentioned in section 52D(7) of this Act are no longer met in respect of the person subject to the treatment order; or
 - (b) that there has otherwise been a change of circumstances since the order was made which makes the continued detention of the person in hospital by virtue of the order no longer appropriate,submit a report in writing to the court.
- (2) Where a report is submitted under subsection (1) above, the court shall—
 - (a) if satisfied that the person need not be subject to the treatment order—
 - (i) revoke the order; and
 - (ii) commit the person to prison or such other institution to which the person might have been committed had the order not been made or otherwise deal with the person as the court considers appropriate; or
 - (b) if not so satisfied—
 - (i) confirm the order;
 - (ii) vary the order; or
 - (iii) revoke the order and take any action mentioned in paragraph (a)(ii) above.
- (3) Sections 52M, 52P, this section and sections 52R and 52S of this Act apply to the variation of a treatment order under subsection (2)(b)(ii) above as they apply to a treatment order.

Status: Point in time view as at 16/08/2013.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 52Q is up to date with all changes known to be in force on or before 10 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)

(4) In this section—

“court” means the court which made the treatment order; and

“responsible medical officer” means the person’s responsible medical officer appointed under section 230 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).]

Textual Amendments

F1 Ss. 52A-52U inserted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), [ss. 130](#), 333(1)-(4); S.S.I. 2005/161, [art. 3](#) (as amended (27.9.2005) by S.S.I. 2005/465, [art. 2](#), [sch. 1 para. 32\(13\)\(a\)\(i\)\(ii\)](#), [sch. 2](#))

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