



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VI

#### MENTAL DISORDER

#### *[<sup>F1</sup>Hospital directions]*

#### **[<sup>F1</sup>59B 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;
  - (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.]

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*Status: Point in time view as at 01/09/2015.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 59B is up to date with all changes known to be in force on or before 08 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)*

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### 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](#)

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