

*These notes relate to the Mental Health (Care and Treatment) (Scotland)
Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Mentally Disordered Persons: Criminal Proceedings

Chapter 1: pre-sentence orders

Assessment orders and treatment orders

Remit of cases to sheriff court

187. Section 52A provides that a case involving a person who has been charged with an imprisonable offence in the district court and who appears to have a mental disorder must be remitted to the sheriff court. The sheriff court can then deal with the case as if it had originally been brought in that court, including the making of a mental health disposal. This section replaces and expands on section 58(10) of the 1995 Act.