



Criminal Justice (Scotland) Act 1995

1995 CHAPTER 20

PART I

THE COURSE OF JUSTICE

Mental disorder and criminal proceedings

55 Committal to hospital for inquiry into mental condition

- (1) Each of sections 180 and 381 of the 1975 Act (remand for inquiry into physical or mental condition) shall be amended as follows.
- (2) In subsection (1) for the words “shall remand him in custody or on bail for” there shall be substituted—

“shall—

- (a) for the purpose of inquiry solely into his physical condition, remand him in custody or on bail;
- (b) for the purpose of inquiry into his mental condition (whether or not in addition to his physical condition), remand him in custody or on bail or, where the court is satisfied—
 - (i) on the written or oral evidence of a medical practitioner, that the person appears to be suffering from a mental disorder; and
 - (ii) that a hospital is available for his admission and suitable for his detention,

make an order committing him to that hospital,

for”.

- (3) After subsection (1) there shall be inserted the following subsections—

“(1A) Where the court is of the opinion that a person ought to continue to be committed to hospital for the purpose of inquiry into his mental condition

following the expiry of the period specified in an order for committal to hospital under paragraph (b) of subsection (1) above, the court may—

- (a) if the condition in sub-paragraph (i) of that paragraph continues to be satisfied and a suitable hospital is available for his continued detention, renew the order for such further period not exceeding three weeks as the court thinks necessary to enable a medical examination and report to be made; and
- (b) in any other case, remand the person in custody or on bail in accordance with subsection (1) above.

(1B) An order under subsection (1A)(a) above may, unless objection is made by or on behalf of the person to whom it relates, be made in his absence.

(1C) Where, before the expiry of the period specified in an order for committal to hospital under subsection (1)(b) above, the court considers, on an application made to it, that committal to hospital is no longer required in relation to the person, the court shall revoke the order and may make such other order, under subsection (1)(a) above or any other provision of this Part of this Act, as the court considers appropriate.”.

(4) In subsection (4), after the word “section” there shall be inserted “to remand in custody or on bail”.

(5) After subsection (4) there shall be inserted the following subsection—

“(4A) On making an order of committal to hospital under subsection (1)(b) above the court shall send to the hospital specified in the order a statement of the reasons for which the court is of the opinion that an inquiry ought to be made into the mental condition of the person to whom it relates, and of any information before the court about his mental condition.”.

(6) In subsection (5)—

- (a) after the word “imposed” there shall be inserted “, and a person committed to hospital under this section may appeal against the order of committal,”;
- (b) after the word “remand” there shall be inserted “or, as the case may be, committal”;
- (c) at the end of paragraph (b) there shall be inserted—

“; or

- (c) in the case of an appeal against an order of committal to hospital, revoke the order and remand the person in custody.”.

(7) After subsection (5) there shall be inserted the following subsections—

“(6) The court may, on cause shown, vary an order for committal to hospital under subsection (1)(b) above by substituting another hospital for the hospital specified in the order.

(7) Subsection (1)(b) above shall apply to the variation of an order under subsection (6) above as it applies to the making of an order for committal to hospital.”.