



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}Risk assessment

[^{F1}210B Risk assessment order

- (1) This subsection applies where it falls to the High Court to impose sentence on a person convicted of an offence other than murder and that offence—
 - (a) is (any or all)—
 - (i) a sexual offence (as defined in section 210A(10) of this Act);
 - (ii) a violent offence (as so defined);
 - (iii) an offence which endangers life; or
 - (b) is an offence the nature of which, or circumstances of the commission of which, are such that it appears to the court that the person has a propensity to commit any such offence as is mentioned in sub-paragraphs (i) to (iii) of paragraph (a) above.
- (2) Where subsection (1) above applies, the court, at its own instance or (provided that the prosecutor has given the person notice of his intention in that regard) on the motion of the prosecutor, if it considers that the risk criteria may be met, shall make an order under this subsection (a “risk assessment order”) unless—
 - (a) the court makes an interim compulsion order by virtue of section 210D(1) of this Act in respect of the person; or
 - (b) the person is subject to an order for lifelong restriction previously imposed.
- (3) A risk assessment order is an order—
 - (a) for the convicted person to be taken to a place specified in the order, so that there may be prepared there—
 - (i) by a person accredited for the purposes of this section by the Risk Management Authority; and

Status: Point in time view as at 19/06/2006.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 210B is up to date with all changes known to be in force on or before 07 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)

- (ii) in such manner as may be so accredited,
a risk assessment report (that is to say, a report as to what risk his being at liberty presents to the safety of the public at large); and
 - (b) providing for him to be remanded in custody there for so long as is necessary for those purposes and thereafter there or elsewhere until such diet as is fixed for sentence.
- (4) On making a risk assessment order, the court shall adjourn the case for a period not exceeding ninety days.
- (5) The court may on one occasion, on cause shown, extend the period mentioned in subsection (4) above by not more than ninety days; and it may exceptionally, where by reason of circumstances outwith the control of the person to whom it falls to prepare the risk assessment report (the “assessor”), or as the case may be of any person instructed under section 210C(5) of this Act to prepare such a report, the report in question has not been completed, grant such further extension as appears to it to be appropriate.
- (6) There shall be no appeal against a risk assessment order or against any refusal to make such an order.]

Textual Amendments

- F1** Ss. 210B-210H and cross-headings inserted (19.6.2006 for specified purposes) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 1, 89** (as amended with regards to ss. 210B, 210D and 210G (27.9.2005) by [S.S.I. 2005/465](#), **art. 2**, [Sch. 1 para. 34\(2\)](#)); [S.S.I. 2006/332](#), **art. 2**

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