



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VI

#### MENTAL DISORDER

##### *Committal of mentally disordered persons*

#### **52 Power of court to commit to hospital an accused suffering from mental disorder.**

- (1) Where it appears to the prosecutor in any court before which a person is charged with an offence that the person may be suffering from mental disorder, it shall be the duty of the prosecutor to bring before the court such evidence as may be available of the mental condition of that person.
- (2) <sup>F1</sup> .....
- (3) <sup>F2</sup> .....
- (4) <sup>F3</sup> .....
- (5) <sup>F4</sup> .....
- (6) <sup>F5</sup> .....
- (7) <sup>F6</sup> .....

#### **Textual Amendments**

- F1** S. 52(2)-(7) repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), ss. 331(2)(3), 333(1)-(4), [Sch. 5 Pt. 1](#); S.S.I. 2005/161, [art. 3](#) (with savings for s. 52(2)-(7) by virtue of S.S.I. 2005/452, [art. 33\(12\)](#))
- F2** S. 52(2)-(7) repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), ss. 331(2)(3), 333(1)-(4), [Sch. 5 Pt. 1](#); S.S.I. 2005/161, [art. 3](#) (with savings for s. 52(2)-(7) by virtue of S.S.I. 2005/452, [art. 33\(12\)](#))

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*Status: Point in time view as at 28/02/2011.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 52 is up to date with all changes known to be in force on or before 05 June 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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- F3** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3** (with savings for s. 52(2)-(7) by virtue of S.S.I. 2005/452, **art. 33(12)**)
- F4** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3** (with savings for s. 52(2)-(7) by virtue of S.S.I. 2005/452, **art. 33(12)**)
- F5** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3** (with savings for s. 52(2)-(7) by virtue of S.S.I. 2005/452, **art. 33(12)**)
- F6** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3** (with savings for s. 52(2)-(7) by virtue of S.S.I. 2005/452, **art. 33(12)**)

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**Changes to legislation:**

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