



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VI

#### MENTAL DISORDER

#### *[<sup>F1</sup>Treatment orders*

#### **[<sup>F1</sup>52L Scottish Ministers' power to apply for treatment order**

- (1) Where—
  - (a) a person has been charged with an offence;
  - (b) the person has not been sentenced;
  - (c) the person is [<sup>F2</sup>remanded] in custody; and
  - (d) it appears to the Scottish Ministers that the person has a mental disorder,the Scottish Ministers may apply to the court for a treatment order in respect of that person.
- (2) Where the Scottish Ministers apply for an order under subsection (1) above, they shall, as soon as reasonably practicable after making the application, inform the persons mentioned in subsection (3) below of the making of the application.
- (3) Those persons are—
  - (a) the person in respect of whom the application is made;
  - (b) any solicitor acting for the person; and
  - (c) in a case where a relevant disposal has not been made in the proceedings in respect of the offence with which the person is charged, the prosecutor.
- (4) In this section, “court” and “relevant disposal” have the same meanings as in section 52B of this Act.]

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*Status: Point in time view as at 06/11/2019.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 52L is up to date with all changes known to be in force on or before 23 May 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. 52A-52U inserted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), **ss. 130**, 333(1)-(4); S.S.I. 2005/161, **art. 3** (as amended (27.9.2005) by S.S.I. 2005/465, art. 2, sch. 1 para. 32(13)(a)(i)(ii), **sch. 2**)
- F2** Word in s. 52L(1)(c) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015](#) (asp 9), **ss. 38(2)(f)**, 61(2); S.S.I. 2017/197, art. 2, sch.

**Status:**

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