



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VI

#### MENTAL DISORDER

#### *[<sup>F1</sup>Hospital directions]*

#### <sup>x1</sup>*[<sup>F1</sup>60C* **Acquitted persons: detention for medical examination**

- (1) Subject to subsection (7) below, this section applies where a person charged with an offence is acquitted.
- (2) If the court by or before which the person is acquitted is satisfied—
  - (a) on the written or oral evidence of two medical practitioners that the conditions mentioned in subsection (3) below are met in respect of the person; and
  - (b) that it is not practicable to secure the immediate examination of the person by a medical practitioner,the court may, immediately after the person is acquitted, make an order authorising the measures mentioned in subsection (4) below for the purpose of enabling arrangements to be made for a medical practitioner to carry out a medical examination of the person.
- (3) The conditions referred to in subsection (2)(a) above are—
  - (a) that the person has a mental disorder;
  - (b) that medical treatment which would be likely to—
    - (i) prevent the mental disorder worsening; or
    - (ii) alleviate any of the symptoms, or effects, of the disorder,is available for the person; and
  - (c) that if the person were not provided with such medical treatment there would be a significant risk—
    - (i) to the health, safety or welfare of the person; or
    - (ii) to the safety of any other person.
- (4) The measures referred to in subsection (2) above are—

*Status: Point in time view as at 06/11/2019.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 60C is up to date with all changes known to be in force on or before 24 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)*

- (a) the removal of the person to a place of safety by—
    - (i) a constable; or
    - (ii) a person specified by the court; and
  - (b) the detention, subject to subsection (6) below, of the person in that place of safety for a period of 6 hours beginning with the time at which the order under subsection (2) above is made.
- (5) If the person absconds—
- (a) while being removed to a place of safety under subsection (4) above; or
  - (b) from the place of safety,
- a constable or the person specified by the court under paragraph (a) of that subsection may, at any time during the period mentioned in paragraph (b) of that subsection, take the person into custody and remove the person to a place of safety.
- (6) An order under this section ceases to authorise detention of a person if, following the medical examination of the person, a medical practitioner grants—
- (a) an emergency detention certificate under section 36 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13); or
  - (b) a short-term detention certificate under section 44 of that Act.
- (7) This section does not apply [<sup>F2</sup>in a case where the person is acquitted by reason of the special defence set out in section 51A of this Act.]
- <sup>F3</sup>(a) .....
  - <sup>F3</sup>(b) .....
- (8) In this section, “medical treatment” has the same meaning as in section 52D of this Act.]

#### Editorial Information

- X1** S. 60C: With effect from 5.10.2005 s. 60C became subsumed by new cross-heading "Hospital directions ". Versions of this provision as it stood at any time before that date cannot be accessed directly by navigation from this version. To view those versions, it is recommended that users either conduct an 'advanced search' specifying an 'as at' date earlier than 5.10.2005 or navigate via the Part VI heading.

#### Textual Amendments

- F1** Ss. 60C, 60D inserted (21.3.2005 for specified purpose and otherwise 5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), **ss. 134, 333(1)-(4)**; S.S.I. 2005/161, arts. {2}, {3}
- F2** Words in s. 60C(7) inserted (with application in accordance with art. 3 of the commencing S.S.I.) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), **sch. 7 para. 40(a)**; S.S.I. 2012/160, art. 3, sch.
- F3** S. 60C(7)(a)(b) repealed (with application in accordance with art. 3 of the commencing S.S.I.) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), **sch. 7 para. 40(b)**; S.S.I. 2012/160, art. 3, sch.

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