



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) ^{F1}
- (3) ^{F2}
- (4) ^{F3}
- (5) ^{F4}
- (6) ^{F5}
- (7) ^{F6}

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- F1** S. 52(2)-(7) repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), ss. 331(2)(3), 333(1)-(4), [Sch. 5 Pt. 1](#); S.S.I. 2005/161, [art.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- F2** S. 52(2)-(7) repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (asp 13), ss. 331(2)(3), 333(1)-(4), [Sch. 5 Pt. 1](#); S.S.I. 2005/161, [art.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

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Cross Heading: Committal of mentally disordered persons is up to date with all changes known to be in force on or before 10 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) View outstanding changes*

- F3** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3**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- F4** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3**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- F5** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3**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- F6** S. 52(2)-(7) repealed (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (asp 13), ss. 331(2)(3), 333(1)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3**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)**)

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Cross Heading: Committal of mentally disordered persons is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to [legislation.gov.uk. 1997 c. 48, s. 1 repealed \(27.6.2003\)](#) without ever being in force by [2003 asp 7, s. 19\(3\)](#); [S.S.I. 2003/288, art. 2, Sch.](#))
- s. 210ZA inserted by [2023 asp 4 s. 5](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- s. 288AB288AC inserted by [2024 asp 1 s. 32\(3\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to [legislation.gov.uk. 1997 c. 48, s. 1 repealed \(27.6.2003\)](#) without ever being in force by [2003 asp 7, s. 19\(3\)](#); [S.S.I. 2003/288, art. 2, Sch.](#))