



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART VI

#### MENTAL DISORDER

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

#### **[<sup>F1</sup>52H Early termination of assessment order**

- (1) This section applies where—
- (a) in the case of a person who, when the assessment order is made, has not been removed to the hospital specified in the order, the [<sup>F2</sup>relevant period given by subsection (1A) below] has not expired;
  - (b) in the case of a person—
    - (i) who, when the assessment order is made, has been admitted to the hospital specified in the order; or
    - (ii) who has been removed under paragraph (a) of subsection (6) of section 52D of this Act to the hospital so specified, the [<sup>F3</sup>relevant period given by subsection (1A) below] has not expired; or
  - (c) in the case of a person in respect of whom the court has made an order under section 52G(4) of this Act extending the assessment order for a period, the period for which the order was extended has not expired.

- [ For the purpose of subsection (1)(a) and (b) above, the relevant period is the period—
- <sup>F4</sup>(1A) (a) beginning with the day on which the order is made,
- (b) expiring—
- (i) as regards subsection (1)(a) above, at the end of the 7 days following the day mentioned in paragraph (a) of this subsection,
  - (ii) as regards subsection (1)(b) above, at the end of the 28 days following the day mentioned in paragraph (a) of this subsection.]

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 52H is up to date with all changes known to be in force on or before 25 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) View outstanding changes*

- (2) An assessment order shall cease to have effect on the occurrence of any of the following events—
- (a) the making of a treatment order in respect of the person subject to the assessment order;
  - (b) in a case where—
    - (i) the person subject to the assessment order has been charged with an offence; and
    - (ii) a relevant disposal had not been made in the proceedings in respect of that offence when the order was made, the making of a relevant disposal in such proceedings;
  - (c) in a case where the person subject to the assessment order has been convicted of an offence but has not been sentenced—
    - (i) the deferral of sentence by the court under section 202(1) of this Act;
    - (ii) the making of one of the orders mentioned in subsection (3) below or
    - (iii) the imposition of any sentence.
- (3) The orders are—
- (a) an interim compulsion order;
  - (b) a compulsion order;
  - (c) a guardianship order;
  - (d) a hospital direction;
  - (e) any order under section 57 of this Act; <sup>F5</sup> . . .
  - (f) <sup>F6</sup> .....
- (4) In this section, “relevant disposal” has the same meaning as in section 52B of this Act.]

#### 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** Words in s. 52H(1)(a) substituted (30.9.2017) by [Mental Health \(Scotland\) Act 2015](#) (asp 9), **ss. 40(5)(a)(i)**, 61(2); S.S.I. 2017/197, **art. 2**, sch. (with art. 19(c))
- F3** Words in s. 52H(1)(b) substituted (30.9.2017) by [Mental Health \(Scotland\) Act 2015](#) (asp 9), **ss. 40(5)(a)(ii)**, 61(2); S.S.I. 2017/197, **art. 2**, sch. (with art. 19(c))
- F4** S. 52H(1A) inserted (30.9.2017) by [Mental Health \(Scotland\) Act 2015](#) (asp 9), **ss. 40(5)(b)**, 61(2); S.S.I. 2017/197, **art. 2**, sch. (with art. 19(c))
- F5** Word in s. 52H(3) repealed (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), ss. 14(2), 206(1), **Sch. 2 para. 2(a)**; S.S.I. 2010/413, **art. 2**, Sch. (with art. 3)
- F6** S. 52H(3)(f) repealed (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13), ss. 14(2), 206(1), **Sch. 2 para. 2(b)**; S.S.I. 2010/413, **art. 2**, Sch. (with art. 3)

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 52H is up to date with all changes known to be in force on or before 25 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.

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**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.)