



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VI

MENTAL DISORDER

[^{F1}Treatment orders

[^{F1}52K Prosecutor's power to apply for treatment order

- (1) Where—
 - (a) a person has been charged with an offence;
 - (b) a relevant disposal has not been made in the proceedings in respect of the offence; and
 - (c) it appears to the prosecutor that the person has a mental disorder,the prosecutor may apply to the court for an order under section 52M of this Act (in this Act referred to as a “treatment order”) in respect of that person.
- (2) Where the prosecutor applies for a treatment order under subsection (1) above, the prosecutor 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 the person is [^{F2}remanded] in custody, the Scottish Ministers.
- (4) In this section, “court” and “relevant disposal” have the same meanings as in section 52B of this Act.]

Status: Point in time view as at 14/12/2023.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Section 52K is up to date with all changes known to be in force on or before 04 August 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)*

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. 52K(3)(c) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015](#) (asp 9), **ss. 38(2)(e)**, 61(2); S.S.I. 2017/197, art. 2, sch.

Status:

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