

Status: Point in time view as at 14/08/2012.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Cross Heading: Circumstances in which orders may be made is up to date with all changes known to be in force on or before 12 September 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)

SCHEDULES

SCHEDULE 4

SUPERVISION AND TREATMENT ORDERS

PART II

MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

- 2 (1) The court shall not make a supervision and treatment order unless it is satisfied—
- (a) that, having regard to all the circumstances of the case, the making of such an order is the most suitable means of dealing with the person; and
 - (b) on the written or oral evidence of two or more [^{F1}approved medical practitioners] , that the mental condition of the person—
 - (i) is such as requires and may be susceptible to treatment; but
 - (ii) is not such as to warrant the making of an order under paragraph (a) of subsection (2) of section 57 of this Act (whether with or without an order under paragraph (b) of that subsection) or an order under paragraph (c) of that subsection.
- (2) The court shall not make a supervision and treatment order unless it is also satisfied—
- (a) that the supervising officer intended to be specified in the order is willing to undertake the supervision; and
 - (b) that arrangements have been made for the treatment intended to be specified in the order.
- (3) Subsections (3) to (5) of section 61 of this Act shall have effect with respect to proof of a person’s mental condition for the purposes of sub-paragraph (1) above as they have effect with respect to proof of an offender’s mental condition for the purposes of section 58(1)(a) of this Act.
- [^{F2}(4) In this Schedule “approved medical practitioner” has the meaning given by section 22(4) of the Mental Health (Care and Treatment)(Scotland) Act 2003 (asp 13).]

Textual Amendments

- F1** Words in Sch. 4 para. 2(1)(b) substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 2, **Sch. 1 para. 27(6)(a)**
- F2** Sch. 4 para. 2(4) inserted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 2, **Sch. 1 para. 27(6)(b)**

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