

*These notes relate to the Mental Health (Care and Treatment) (Scotland)
Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Mentally Disordered Persons: Criminal Proceedings

Chapter 1: pre-sentence orders

Assessment orders and treatment orders

Remand for inquiry into mental condition

Section 132: remand for inquiry into mental condition: time limit for appeals

241. This section amends section 200(9) of the 1995 Act (which provides for the remand of accused persons in custody to allow inquiry into the person's physical or mental condition). The 24-hour time limit previously applicable to an appeal by an offender against an order for committal to hospital, or renewal of such an order, is removed, thereby allowing an offender to appeal at any time during which the committal to hospital continues. Further amendments of section 200 are contained in paragraph 8(13) of schedule 4 to the 2003 Act.