



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 1

PROTECTION OF THE PUBLIC AT LARGE

Disposal in case of insanity

2 Disposal of case where accused found to be insane

In section 57 (disposal of case where accused found to be insane) of the 1995 Act—

- (a) in subsection (2) after paragraph (b) there is inserted—
 - “(bb) make an interim hospital order;”; and
- (b) for subsection (3) there is substituted—

“(3) Where the court is satisfied, having regard to a report submitted in respect of the person following an interim hospital order, that, on a balance of probabilities, the risk his being at liberty presents to the safety of the public at large is high, it shall make orders under both paragraphs (a) and (b) of subsection (2) above in respect of that person.”.

Commencement Information

- II S. 2 wholly in force at 4.10.2005; s. 2 not in force at Royal Assent, see s. 89(2); s. 2(b) in force at 27.6.2003 by S.S.I. 2003/288, art. 2, Sch.; s. 2(a) in force at 4.10.2005 by S.S.I. 2005/433, art. 2

Changes to legislation:

Criminal Justice (Scotland) Act 2003, Cross Heading: Disposal in case of insanity is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to [legislation.gov.uk](#). This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

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. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)