



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART VI

MENTAL DISORDER

[^{F1}Interim compulsion orders]

[^{F1}53B Review and extension of interim compulsion order

- (1) The responsible medical officer shall, before the expiry of the period specified by the court under section 53(8)(b) of this Act, submit a report in writing to the court—
 - (a) as to the matters mentioned in subsection (2) below; and
 - (b) as to any matters specified by the court under section 53(2) of this Act.
- (2) The matters are—
 - (a) whether the conditions mentioned in section 53(5) of this Act are met in respect of the offender;
 - (b) the type (or types) of mental disorder that the offender has; and
 - (c) whether it is necessary to extend the interim compulsion order to allow further time for the assessment mentioned in section 53(3)(b) of this Act.
- (3) The responsible medical officer shall, at the same time as such officer submits the report to the court, send a copy of such report to—
 - (a) the offender; and
 - (b) any solicitor acting for the offender.
- (4) The court may, on receiving the report submitted under subsection (1) above,
 - [^{F2}(a) if satisfied that the extension of the order is necessary, extend the order for such period [^{F3}not exceeding the relevant period given by subsection (4A) below] as the court may specify][^{F4}, and
 - (b) if it seems appropriate to do so, direct that the offender be admitted to the hospital specified in the direction.]

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 53B 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. (See end of Document for details) View outstanding changes

- [For the purpose of subsection (4) above, the relevant period is the period—
- ^{F5}(4A) (a) beginning with the day on which the order would cease to have effect if it were not extended,
- (b) expiring at the end of the 12 weeks following that day.]
- (5) The court may extend an interim compulsion order under subsection (4) above for a period only if, by doing so, the total period for which the offender will be subject to the order does not exceed [^{F6}the period—
- (a) beginning with the day on which the order was first made,
- (b) expiring at the end of the 12 months following that day.]
- (6) The court may, under subsection (4) above, extend an interim compulsion order [^{F7}or make a direction specifying a hospital] in the absence of the offender only if—
- (a) the offender is represented by counsel or a solicitor;
- (b) that counsel or solicitor is given an opportunity of being heard; and
- (c) the court is satisfied that it is—
- (i) impracticable; or
- (ii) inappropriate,
- for the offender to be brought before it.
- (7) Subsections (1) to (9) of this section shall apply for the purposes of an interim compulsion order extended under subsection (4) above as they apply for the purposes of an interim compulsion order, references in those subsections to the period specified by the court under section 53(8)(b) of this Act being construed as references to the period specified by the court under subsection (4) above.
- [Where a direction is made under subsection (4) above, the interim compulsion order
- ^{F8}(7A) has effect as if the hospital specified in the direction were the hospital specified in the order.]
- (8) Where a report is submitted under subsection (1) above, the court may, before the expiry of the period specified by the court under section 53(8)(b) of this Act—
- (a) revoke the interim compulsion order and make one of the disposals mentioned in section 53(6) of this Act; or
- (b) revoke the interim compulsion order and deal with the offender in any way (other than by making an interim compulsion order) in which the court could have dealt with the offender if no such order had been made.
- (9) In this section—
- “court” means the court which made the interim compulsion order; and
- “responsible medical officer” means the responsible medical officer appointed in respect of the offender under section 230 of the Mental Health (Care and Treatment)(Scotland) Act 2003 (asp 13).]

Textual Amendments

- F1** Ss. 53-53D and cross-heading substituted (5.10.2005) for s. 53 and cross-heading by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), **ss. 131**, 333(1)-(4); S.S.I. 2005/161, **art. 3** (with savings for s. 53 by virtue of S.S.I. 2005/452, art. 33(14))
- F2** Words in s. 53B(4) renumbered as s. 53B(4)(a) (30.9.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 45(2)(a)(i)**, 61(2); S.S.I. 2017/197, art. 2, sch.

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- F3** Words in s. 53B(4) substituted (30.9.2017) by Mental Health (Scotland) Act 2015 (asp 9), **ss. 42(4)(a), 61(2)**; S.S.I. 2017/197, art. 2, sch.
- F4** S. 53B(4)(b) and word inserted (30.9.2017) by Mental Health (Scotland) Act 2015 (asp 9), **ss. 45(2)(a) (ii), 61(2)**; S.S.I. 2017/197, art. 2, sch.
- F5** S. 53B(4A) inserted (30.9.2017) by Mental Health (Scotland) Act 2015 (asp 9), **ss. 42(4)(b), 61(2)**; S.S.I. 2017/197, art. 2, sch.
- F6** Words in s. 53B(5) substituted (30.9.2017) by Mental Health (Scotland) Act 2015 (asp 9), **ss. 42(4)(c), 61(2)**; S.S.I. 2017/197, art. 2, sch.
- F7** Words in s. 53B(6) inserted (30.9.2017) by Mental Health (Scotland) Act 2015 (asp 9), **ss. 45(2)(b), 61(2)**; S.S.I. 2017/197, art. 2, sch.
- F8** S. 53B(7A) inserted (30.9.2017) by Mental Health (Scotland) Act 2015 (asp 9), **ss. 45(2)(c), 61(2)**; S.S.I. 2017/197, art. 2, sch.

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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.)