



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 2

#### VICTIMS' RIGHTS

#### [<sup>F1</sup>17D Right to information after section 17B decision

- (1) Subsection (2) applies where—
  - (a) before a decision was taken, a person (“V”) was afforded an opportunity to make representations under section 17B,
  - (b) the decision has since been taken,
  - (c) the Scottish Ministers are not required under section 16A to give any information to V as a result of the decision, and
  - (d) V has intimated to the Scottish Ministers a wish to receive information under this section.
- (2) The Scottish Ministers must, unless they consider that there are exceptional circumstances which make it inappropriate to do so, inform V that the decision has been taken.
- (3) Subsection (4) applies where—
  - (a) in accordance with subsection (2), the Scottish Ministers have informed V that the Tribunal has decided to make an order revoking a compulsion order or restriction order, and
  - (b) by virtue of section 196 of the Mental Health Act, the Tribunal's order does not have effect because the Court of Session has made an order under section 323(1) of that Act.
- (4) The Scottish Ministers must—
  - (a) inform V that the Court of Session has made an order under section 323(1) of the Mental Health Act, and
  - (b) give V the information that they would have had to give V by virtue of section 16C(4) had the Court not made that order.]

---

**Changes to legislation:** *Criminal Justice (Scotland) Act 2003, Section 17D is up to date with all changes known to be in force on or before 25 March 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*

---

---

### Textual Amendments

- F1** Ss. 17B-17D inserted (15.9.2017 for specified purposes, 30.9.2017 in so far as not already in force) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 56(2)**, 61(2); S.S.I. 2017/234, art. 2(1)(c)(2)(a)

**Changes to legislation:**

Criminal Justice (Scotland) Act 2003, Section 17D is up to date with all changes known to be in force on or before 25 March 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\(8\)\(b\)](#)