



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 2

VICTIMS' RIGHTS

[^{F1}18A Interpretation of Part

(1) In this Part—

“Mental Health Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003,

“Mental Health Tribunal” means the Mental Health Tribunal for Scotland,

“transfer for treatment direction” means a direction made under section 136 of the Mental Health Act.

(2) A reference in this Part—

(a) to a certificate under the Mental Health Act which suspends a person's detention and does not impose a supervision requirement is to a certificate under subsection (2) of section 224 of that Act which does not include a condition under subsection (7)(a) of that section,

(b) to such a certificate being granted for the first time is to such a certificate being granted for the first time—

(i) since the person was detained under the particular order or direction which authorises the person's detention in a hospital (or would do, but for the certificate's being granted), or

(ii) in a case where the person, while subject to that order or direction, has been recalled to hospital under section 202 of the Mental Health Act, since the person was so recalled (or most recently so recalled if it has happened more than once).

(3) For the purposes of sections 16A(3)(b) and 17B(5)(c), a condition is relevant to a person (“V”) if—

(a) the condition is a restriction on the person referred to in the section in question as O contacting an individual or being in a place, and

(b) V has made a valid request to the Scottish Ministers to be informed about any condition which restricts O from—

(i) contacting that individual, or (as the case may be)

Changes to legislation: *Criminal Justice (Scotland) Act 2003, Section 18A is up to date with all changes known to be in force on or before 28 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*

- (ii) being in that place or any wider area within which the place in question falls.
- (4) The Scottish Ministers may treat a request as invalid for the purposes of subsection (3) if or so far as—
- (a) it is a request to be informed about any condition which restricts O from being in a place, and
 - (b) the place referred to in the request—
 - (i) is not one which V or any member of V's family is regularly at or in, or
 - (ii) covers an unreasonably large area having regard to the places where V and members of V's family regularly go.]

Textual Amendments

- F1** S. 18A inserted (5.5.2017 for specified purposes, 15.9.2017 in so far as not already in force) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 58(2)**, 61(2); [S.S.I. 2017/126](#), art. 2, sch.; [S.S.I. 2017/234](#), art. 2(1)(e)

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Changes and effects yet to be applied to :

- s. 18A(3) word inserted by [2023 asp 4 s. 14\(8\)\(a\)\(i\)](#)
- s. 18A(3)(b) words inserted by [2023 asp 4 s. 14\(8\)\(a\)\(ii\)](#)
- 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\(8\)\(b\)](#)