

# **MENTAL HEALTH (SCOTLAND) ACT 2015**

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## **EXPLANATORY NOTES**

### **THE STRUCTURE & A SUMMARY OF THE ACT**

#### **Part Three – Victims’ Rights**

##### ***Section 54: Right to information: offender imprisoned***

#### **Amendment of section 16 of the Criminal Justice (Scotland) Act 2003**

148. Section 54 of the Act amends section 16 of the Criminal Justice Act to add to the information which a victim can receive under the existing scheme in cases where the offender is in hospital receiving treatment for mental disorder by virtue of a hospital direction or a transfer for treatment direction. In such cases, section 54 of the Act amends section 16 so that victims can receive notification when the offender is unlawfully at large from a hospital, or has been returned to hospital after being unlawfully at large, and when a certificate has been granted, for the first time, allowing unescorted suspension of detention.
149. [Section 54](#) also extends the order making power in section 16(4) of the Criminal Justice Act by giving the power to the Scottish Ministers to modify section 18A of the Criminal Justice Act by adding, amending, or repealing definitions of terms used in section 16(3).