

# Mental Health (Scotland) Act 2015 2015 asp 9

# PART 2

# CRIMINAL CASES

## Making and effect of disposals

## 38 Making certain orders in remand cases

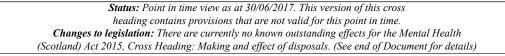
- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In each place where they occur as follows, before the words "in custody" there is inserted "remanded"—
  - (a) in section 52B (prosecutor's power to apply for assessment order), in subsection (3)(c),
  - (b) in section 52C (Scottish Ministers' power to apply for assessment order), in subsection (1)(c),
  - (c) in section 52D (assessment order), in subsection (10)(d),
  - (d) in section 52F (assessment order: supplementary), in subsection (1)(a),
  - (e) in section 52K (prosecutor's power to apply for treatment order), in subsection (3)(c),
  - (f) in section 52L (Scottish Ministers' power to apply for treatment order), in subsection (1)(c),
  - (g) in section 52M (treatment order), in subsection (9)(d)(i) and (ii),
  - (h) in section 52P (treatment order: supplementary), in subsection (2)(a) and (b) (ii).

#### **Commencement Information**

II S. 38 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch.

#### **39** Detention under compulsion orders

(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.



- (2) In section 57 (disposal of case where accused found not criminally responsible or unfit for trial), in subsection (2)—
  - (a) in paragraph (a), for the words "authorising the detention of the person in a hospital" there is substituted " (whether or not authorising the detention of the person in a hospital) ",
  - (b) for paragraph (b) there is substituted—
    - "(b) subject to subsection (4A) below, make a restriction order in respect of the person (that is, in addition to a compulsion order authorising the detention of the person in a hospital);".

## **Commencement Information**

I2 S. 39 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch.

## VALID FROM 30/09/2017

#### 40 Periods for assessment orders

(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

- (2) In section 52D (assessment order)-
  - (a) in subsection (6)—
    - (i) in paragraph (a), for the words "expiry of the period of" there is substituted " end of the day following the ",
    - (ii) in each of paragraphs (b) and (c), for the words "period of 28 days beginning with the day on which the order is made" there is substituted " relevant period given by subsection (6A) below ",
  - (b) after subsection (6) there is inserted—
    - "(6A) For the purpose of subsection (6)(b) and (c) above, the relevant period is the period—
      - (a) beginning with the day on which the order is made,
      - (b) expiring at the end of the 28 days following that day.".
- (3) In section 52F (assessment order: supplementary), in subsection (1), for the words "expiry of the period of" there is substituted " end of the day following the ".
- (4) In section 52G (review of assessment order)-
  - (a) in subsection (1), for the words "expiry of the period of" there is substituted "end of the day following the ",
  - (b) in subsection (4), for words from "7 days" to the end there is substituted " the relevant period given by subsection (4A) below ",
  - (c) after subsection (4) there is inserted—

"(4A) For the purpose of subsection (4) above, the relevant period is the period—

- (a) beginning with the day on which the order would otherwise cease to authorise the detention of the person in hospital,
- (b) expiring at the end of the 14 days following that day.".

Status: Point in time view as at 30/06/2017. This version of this cross heading contains provisions that are not valid for this point in time. Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Cross Heading: Making and effect of disposals. (See end of Document for details)

(5) In section 52H (early termination of assessment order)—

- (a) in subsection (1)—
  - (i) in paragraph (a), for the words "period of 7 days beginning with the day on which the order is made" there is substituted " relevant period given by subsection (1A) below ",
  - (ii) in paragraph (b), for the words "period of 28 days beginning with the day on which the order is made" there is substituted " relevant period given by subsection (1A) below ",
- (b) after subsection (1) there is inserted—
  - "(1A) For the purpose of subsection (1)(a) and (b) above, the relevant period is the period—
    - (a) beginning with the day on which the order is made,
    - (b) expiring—
      - (i) as regards subsection (1)(a) above, at the end of the 7 days following the day mentioned in paragraph (a) of this subsection,
      - (ii) as regards subsection (1)(b) above, at the end of the 28 days following the day mentioned in paragraph (a) of this subsection.".

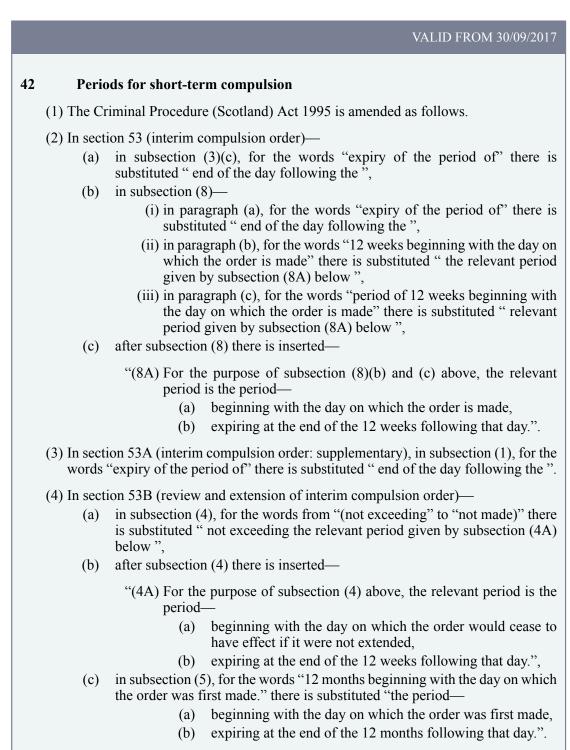
#### VALID FROM 30/09/2017

#### 41 Periods for treatment orders

(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

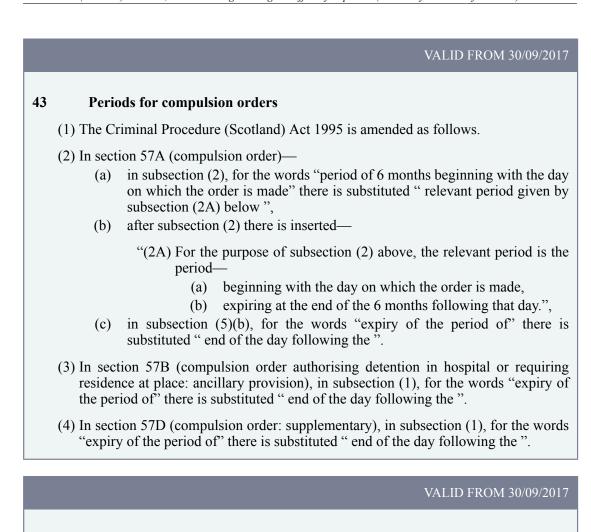
- (2) In section 52M (treatment order)-
  - (a) in subsection (3)(c), for the words "expiry of the period of" there is substituted " end of the day following the ",
  - (b) in subsection (6)(a), for the words "expiry of the period of" there is substituted " end of the day following the ".
- (3) In section 52P (treatment order: supplementary), in subsection (1), for the words "expiry of the period of" there is substituted " end of the day following the ".
- (4) In section 52R (termination of treatment order)—
  - (a) in subsection (1)(a), for the words "period of 7 days beginning with the day on which the order is made" there is substituted " relevant period given by subsection (1A) below ",
  - (b) after subsection (1) there is inserted—
    - "(1A) For the purpose of subsection (1)(a) above, the relevant period is the period—
      - (a) beginning with the day on which the order is made,
      - (b) expiring at the end of the 7 days following that day.".

Status: Point in time view as at 30/06/2017. This version of this cross heading contains provisions that are not valid for this point in time. Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Cross Heading: Making and effect of disposals. (See end of Document for details)



(5) In section 54 (unfitness for trial: further provision), in subsection (2B)(a), for the words "expiry of the period of" there is substituted " end of the day following the ".

Status: Point in time view as at 30/06/2017. This version of this cross heading contains provisions that are not valid for this point in time. Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Cross Heading: Making and effect of disposals. (See end of Document for details)



#### 44 Periods for hospital directions

(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

- (2) In section 59A (hospital direction)—
  - (a) in subsection (4)(b), for the words "expiry of the period of" there is substituted " end of the day following the ",
  - (b) in subsection (7)(a), for the words "expiry of the period of" there is substituted " end of the day following the ".
- (3) In section 59C (hospital direction: supplementary), in subsection (1), for the words "expiry of the period of" there is substituted " end of the day following the ".

# Status:

Point in time view as at 30/06/2017. This version of this cross heading contains provisions that are not valid for this point in time.

#### Changes to legislation:

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Cross Heading: Making and effect of disposals.