



Mental Health (Scotland) Act 2015

2015 asp 9

PART 3

VICTIMS' RIGHTS

Additional provisions

58 Associated definitions

- (1) The Criminal Justice (Scotland) Act 2003 is amended as follows.
- (2) After section 18 there is inserted—

“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

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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)
 - (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.”.

Commencement Information

- I1** S. 58 in force at 5.5.2017 for specified purposes by [S.S.I. 2017/126, art. 2, sch.](#)
I2 S. 58 in force at 15.9.2017 in so far as not already in force by [S.S.I. 2017/234, art. 2\(1\)\(e\)](#)

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