



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

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 58. (See end of Document for details)

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\(1\)\(e\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 58.