
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 234

**The Mental Health (Scotland) Act 2015 (Commencement
No. 5 and Transitional Provisions) Order 2017**

TRANSITIONAL PROVISIONS

Victim's right to information on offender: section 16 of the 2003 Act

4.—(1) Paragraph (2) applies where—

- (a) an offence has been perpetrated against a natural person;
- (b) another person (“O”) was convicted of that offence and sentenced in respect of it as described in section 16(1)(a) to (c) of the 2003 Act and, immediately before 5th October 2005, was subject to a transfer direction made under section 71 of the 1984 Act (removal to hospital of persons serving sentences of imprisonment and other prisoners) in connection with that sentence of imprisonment or treated as so subject; and
- (c) O continues to be treated on or after the appointed day as if subject to a transfer for treatment direction made under section 136 of the 2003 Mental Health Act (transfer of prisoners for treatment for mental disorder) and as if liable to be detained by virtue of that Act, in accordance with article 29 of the 2005 Order (transfer directions).

(2) For the purposes of section 16(3)(g) of the 2003 Act (as read with section 18A of that Act (interpretation)), O is to be treated as liable to be detained in hospital under a transfer for treatment direction made under section 136 of the 2003 Mental Health Act (transfer of prisoners for treatment for mental disorder).