

SCHEDULE 2

Regulations 8 and 9

ENACTMENTS UNDER WHICH AN OBLIGATION TO RECEIVE RELEVANT SERVICES MAY BE IMPOSED AND IN RESPECT OF WHICH DIRECT PAYMENTS MAY BE MADE

The enactments referred to regulations 8(1)(a) and 9(4)(a) are—

- (a) Part 1 of Schedule 1A to the Criminal Procedure (Insanity) Act 1964⁽¹⁾;
- (b) section 8, 17 or 17B of the 1983 Act or section 40(2) read with section 8 of that Act⁽²⁾;
- (c) section 57A of or Schedule 4 to the Criminal Procedure (Scotland) Act 1995⁽³⁾;
- (d) section 41, 53, 127, 179, 221 or 224 of the Mental Health (Care and Treatment) Scotland Act 2003 or section 66 read with section 64 or 65 of that Act⁽⁴⁾;
- (e) section 177 or 189 of the Criminal Justice Act 2003⁽⁵⁾ insofar as those sections relate to a person who is subject to a mental health treatment requirement as defined by section 207 of that Act;
- (f) section 41 or 51 of the Powers of Criminal Courts (Sentencing) Act 2000 insofar as those sections relate to a person who is required to submit to treatment for his or her mental condition⁽⁶⁾;
- (g) sections 228 to 230 of the Criminal Procedure (Scotland) Act 1995 insofar as those conditions relate to a person who is required to submit to treatment for his or her mental condition⁽⁷⁾;
- (h) section 22 or 26 of the Prisons (Scotland) Act 1989 insofar as those sections relate to a person who is subject to a condition that he or she submits to treatment for his or her mental condition⁽⁸⁾;
- (i) section 12 of the Prisoners and Criminal Proceedings (Scotland) Act 1993⁽⁹⁾;
- (j) section 37(4) of the Criminal Justice Act 1991 insofar as it relates to a person who is subject to a condition that he or she submits to treatment for his or her mental condition⁽¹⁰⁾.

(1) 1964 c. 84.

(2) 1983 c. 20 (“the 1983 Act” is defined in regulation 2). Section 8 was amended by paragraph 2(b) of Schedule 2 to the Mental Health Act 2007 (c. 12) (“the 2007 Act”). Section 17 was amended by section 3(3) of the Mental Health (Patients in the Community) Act 1995 (c. 52) and by sections 9(3) and 33(2) of the 2007 Act. Section 17B was inserted by section 33(2) of the 2007 Act.

(3) 1995 c. 46. Section 57A was inserted by section 133 of the Mental Health (Care and Treatment) Scotland Act 2003. Section 57A was amended by S.S.I. 2005/465. Schedule 4 was amended by paragraph 21 of Schedule 1 to the Crime and Punishment (Scotland) Act 1997 and by S.S.I. 2005/465.

(4) 2003 asp 13. Sections 127 and 179 were amended by S.S.I. 2005/465.

(5) 2003 c. 44. Section 207 was amended by S.I. 2009/1182.

(6) See footnote to paragraph (d) of Schedule 1.

(7) See footnote to paragraph (f) of Schedule 1.

(8) See footnote to paragraph (g) of Schedule 1.

(9) 1993 c. 9. Section 12 was repealed by Schedule 5 to the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) from a date to be appointed.

(10) 1991 c. 53. Section 37 was repealed with savings by Schedule 37 to the Criminal Justice Act 2003 (c. 44).