

# **MENTAL HEALTH (SCOTLAND) ACT 2015**

---

## **EXPLANATORY NOTES**

### **THE STRUCTURE & A SUMMARY OF THE ACT**

#### **Part Two – Criminal Cases**

##### ***Section 38: Making certain orders in remand cases***

#### **Amendments to sections 52B, 52C, 52D, 52F, 52K, 52L, 52M and 52P**

113. The 1995 Act was amended by Parts 8, 9 and 10 of the 2003 Act with regard to the treatment of mentally disordered offenders. Part 2 of the Act makes a number of minor amendments to the 1995 Act, mainly concerned with timescales, and procedure.

#### **Amendments to sections 52B, 52C, 52D, 52F, 52K, 52L, 52M and 52P**

114. Section 38 of the Act amends the following sections of the 1995 Act: sections 52B, 52C, 52D, 52F, 52K, 52L 52M and 52P, in the same way. In each of these sections, reference is made to a person being in custody. The Act adds the words ‘remanded in’ in front of ‘in custody’, on each occasion it occurs, to clarify that the references to a person being in custody are to persons being held in prison, and do not include persons held in police custody.