



Mental Health (Scotland) Act 2015

2015 asp 9

PART 2 **S**

CRIMINAL CASES

Making and effect of disposals

40 **Periods for assessment orders** **S**

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 52D (assessment order)—
 - (a) in subsection (6)—
 - (i) in paragraph (a), for the words “expiry of the period of” there is substituted “end of the day following the”,
 - (ii) in each of paragraphs (b) and (c), for the words “period of 28 days beginning with the day on which the order is made” there is substituted “relevant period given by subsection (6A) below”,
 - (b) after subsection (6) there is inserted—

“(6A) For the purpose of subsection (6)(b) and (c) above, the relevant period is the period—

 - (a) beginning with the day on which the order is made,
 - (b) expiring at the end of the 28 days following that day.”.
- (3) In section 52F (assessment order: supplementary), in subsection (1), for the words “expiry of the period of” there is substituted “end of the day following the”.
- (4) In section 52G (review of assessment order)—
 - (a) in subsection (1), for the words “expiry of the period of” there is substituted “end of the day following the”,
 - (b) in subsection (4), for words from “7 days” to the end there is substituted “the relevant period given by subsection (4A) below”,
 - (c) after subsection (4) there is inserted—

Status: Point in time view as at 30/09/2017.

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 40. (See end of Document for details)

“(4A) For the purpose of subsection (4) above, the relevant period is the period—

- (a) beginning with the day on which the order would otherwise cease to authorise the detention of the person in hospital,
- (b) expiring at the end of the 14 days following that day.”.

(5) In section 52H (early termination of assessment order)—

- (a) in subsection (1)—
 - (i) in paragraph (a), for the words “period of 7 days beginning with the day on which the order is made” there is substituted “relevant period given by subsection (1A) below”,
 - (ii) in paragraph (b), for the words “period of 28 days beginning with the day on which the order is made” there is substituted “relevant period given by subsection (1A) below”,
- (b) after subsection (1) there is inserted—

“(1A) For the purpose of subsection (1)(a) and (b) above, the relevant period is the period—

- (a) beginning with the day on which the order is made,
- (b) expiring—
 - (i) as regards subsection (1)(a) above, at the end of the 7 days following the day mentioned in paragraph (a) of this subsection,
 - (ii) as regards subsection (1)(b) above, at the end of the 28 days following the day mentioned in paragraph (a) of this subsection.”.

Commencement Information

II S. 40 in force at 30.9.2017 by S.S.I. 2017/197, art. 2, sch. (with art. 19)

Status:

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