



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 2

#### CRIMINAL CASES

##### *Making and effect of disposals*

#### **42 Periods for short-term compulsion**

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 53 (interim compulsion order)—
  - (a) in subsection (3)(c), for the words “expiry of the period of” there is substituted “end of the day following the”,
  - (b) in subsection (8)—
    - (i) in paragraph (a), for the words “expiry of the period of” there is substituted “end of the day following the”,
    - (ii) in paragraph (b), for the words “12 weeks beginning with the day on which the order is made” there is substituted “the relevant period given by subsection (8A) below”,
    - (iii) in paragraph (c), for the words “period of 12 weeks beginning with the day on which the order is made” there is substituted “relevant period given by subsection (8A) below”,
  - (c) after subsection (8) there is inserted—

“(8A) For the purpose of subsection (8)(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 12 weeks following that day.”.
- (3) In section 53A (interim compulsion 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 53B (review and extension of interim compulsion order)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in subsection (4), for the words from “(not exceeding” to “not made)” there is substituted “not exceeding the relevant period given by subsection (4A) below”,
  - (b) after subsection (4) there is inserted—
    - “(4A) For the purpose of subsection (4) above, the relevant period is the period—
      - (a) beginning with the day on which the order would cease to have effect if it were not extended,
      - (b) expiring at the end of the 12 weeks following that day.”,
  - (c) in subsection (5), for the words “12 months beginning with the day on which the order was first made.” there is substituted “the period—
    - (a) beginning with the day on which the order was first made,
    - (b) expiring at the end of the 12 months following that day.”.
- (5) In section 54 (unfitness for trial: further provision), in subsection (2B)(a), for the words “expiry of the period of” there is substituted “end of the day following the”.