

CRIMINAL JUSTICE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

OVERVIEW OF THE ACT

Part 6 - Miscellaneous

Chapter 2 - Support for Vulnerable Persons

Section 98– Meaning of appropriate adult support

248. **Section 98** provides for the purposes of this Chapter a definition of “appropriate adult services.”
249. Subsection (1)(a) provides that “appropriate adult support” means the support as currently set out in section 42 of the Act (i.e. communication support to those who are unable to effectively understand or communicate as a result of a mental disorder).
250. Subsection (1)(b) provides that Scottish Ministers may specify by regulations, the availability of such other support for vulnerable persons. Subsection (2) provides for matters which the Scottish Ministers may consider specifying when making regulations under subsection 1(b) for the purposes of providing such other support to vulnerable persons. Subsection (2) provides flexibility should appropriate adult support be made available to others (for example, the roll-out of such services to non-suspects who are nevertheless connected to a criminal investigation (for example victims and witnesses)).
251. Subsection (3) provides definitions for “vulnerable person” and “mental disorder” for the purposes of this Chapter which are consistent with the definitions in section 42 of the Act.
252. Subsection (4) provides that Scottish Ministers may by regulations amend the definitions of “vulnerable person” and “mental disorder” in subsection (3) in order that they remain consistent with the definitions in section 42 of the Act. Section 42 of the Act, can be modified by the provisions of section 61 of the Act, and accordingly subsection (4) makes provision for that consistency to be maintained.