



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 6

MISCELLANEOUS

CHAPTER 2

SUPPORT FOR VULNERABLE PERSONS

98 Meaning of appropriate adult support

- (1) For the purposes of this Chapter, “appropriate adult support” means—
- (a) support of the sort mentioned in subsection (3) of section 42 that is provided to a person about whom intimation has been sent under subsection (2) of that section, and
 - (b) such other support for vulnerable persons in connection with a criminal investigation or criminal proceedings as the Scottish Ministers specify by regulations.
- (2) In regulations under subsection (1)(b), the Scottish Ministers may, in particular, specify support by reference to—
- (a) the purpose it is to serve,
 - (b) the description of vulnerable persons to whom it is to be available, and
 - (c) the circumstances in which it is to be available.
- (3) For the purposes of this section—
- “vulnerable person” means a person who, owing to mental disorder, is—
- (a) unable to understand sufficiently what is happening, or
 - (b) communicate effectively,
- in the context of a criminal investigation or criminal proceedings,
- “mental disorder” has the meaning given by section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Status: This is the original version (as it was originally enacted).

- (4) The Scottish Ministers may by regulations amend the definitions of “vulnerable person” and “mental disorder” in subsection (3) for the purpose of making them consistent with (respectively) subsections (1)(c) and (5)(a) of section 42.