

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.