

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions in the Mental Health (Scotland) Act 2015 (“the 2015 Act”) which make amendments to or introduce powers to make regulations under the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”) and the Criminal Justice (Scotland) Act 2003. Sections 32 and 33 of the 2015 Act make amendments to powers to make regulations under the 2003 Act. Sections 23 and 29 introduce new powers to make regulations under that Act. Section 54 makes amendments to section 16 of the Criminal Justice (Scotland) Act 2003, also to enabling powers. Section 58 introduces section 18A to that Act which provides definitions for the purposes of those powers. These provisions come into force on 5th May 2017 to allow regulations to be made.

By virtue of section 61(1) of the 2015 Act, section 17 and Part 4 (sections 61 and 62) of the 2015 Act came into force on 5th August 2015. Sections 14, 15, 16 and 18 of the 2015 Act, which make amendments to chapter 3 of Part 17 of the 2003 Act in respect of detention in conditions of excessive security came into force on 16th November 2015. Section 37 of the 2015 Act creates a duty on the Scottish Ministers to carry out a review of the arrangements for investigating the deaths of patients with mental disorder; section 37 came into force on 24th December 2015. The 2015 Act received Royal Assent on 4th August 2015.