
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 234

**The Mental Health (Scotland) Act 2015 (Commencement
No. 5 and Transitional Provisions) Order 2017**

PRELIMINARY

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mental Health (Scotland) Act 2015 (Commencement No. 5 and Transitional Provisions) Order 2017 and comes into force on 15th September 2017.

(2) In this Order—

“the Act” means the Mental Health (Scotland) Act 2015;

“the 2005 Order” means the Mental Health (Care and Treatment) (Scotland) Act 2003 (Transitional and Savings Provisions) Order 2005(1);

“the 2003 Act” means the Criminal Justice (Scotland) Act 2003(2);

“the 2003 Mental Health Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003(3);

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995(4); and

“the 1984 Act” means the Mental Health (Scotland) Act 1984(5).

(3) For the purposes of articles 3 to 8 of this Order, “the appointed day” means 15th September 2017.

Appointed day

2.—(1) 15th September 2017 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 54 (right to information: offender imprisoned) for the purpose only of enabling any person who is entitled to receive information under section 16(1) of the 2003 Act (victim’s rights to receive information concerning release etc. of offender) to intimate a wish to receive the information that is required to be given by virtue of the amendments made to that section by section 54 of the Act;

(b) section 55 (right to information: compulsion order) for the purpose only of enabling persons who are entitled by virtue of section 16A(1)(c) (as read with section 16B) of the 2003 Act to ask to be given information about O under section 16A(1) of the 2003 Act;

(c) section 56 (right to make representations) for the purpose only of enabling a person who is to be given information under section 16 or 16A of the 2003 Act to intimate—

(1) [S.S.I. 2005/452](#).

(2) [2003 asp 7](#).

(3) [2003 asp 13](#).

(4) [1995 c.46](#).

(5) [1984 c.36](#). The Act was repealed by the Mental Health (Care and Treatment) (Scotland) Act 2003 subject to savings and transitional provisions in the Mental Health (Care and Treatment) (Scotland) Act 2003 (Transitional and Savings Provisions) Order 2005.

- (i) under section 17B of that Act a wish to be afforded an opportunity to make representations under that section; and
 - (ii) under section 17D of that Act a wish to receive information under that section;
 - (d) section 57 (information sharing); and
 - (e) section 58 (associated definitions), so far as not already in force.
- (2) 30th September 2017 is the day appointed for the coming into force of the following provisions of the Act—
- (a) sections 54, 55 and 56 so far as not already in force;
 - (b) section 59 (power to make modifications); and
 - (c) section 60 (amendments to the 2003 Act).
- (3) In paragraph (1)(b) “O” has the same meaning as in section 16A(1) of the 2003 Act.