



# Criminal Justice (Scotland) Act 2003

## 2003 asp 7

### PART 2

#### VICTIMS' RIGHTS

#### [<sup>F1</sup>16C Information to be given under section 16A

- (1) This section sets out the information that is to be given under section 16A about the person referred to in that section as O.
- (2) The following information is to be given in any case—
  - (a) that the compulsion order to which O is subject and which is mentioned in section 16A(1)(b) has been revoked,
  - (b) that the restriction order to which O is subject and which is mentioned in section 16A(1)(b) has been revoked,
  - (c) where the order mentioned in paragraph (a) or the order mentioned in paragraph (b) has been revoked, that the decision to revoke it—
    - (i) is being appealed against, or
    - (ii) cannot competently be appealed against and is therefore final,
  - (d) the date of O's death,
  - (e) that the compulsion order has been varied by way of a modification of the measures specified in it,
  - (f) that O has been transferred to a place outwith Scotland,
  - (g) that the Mental Health Tribunal has made an order under section 193(7) of the Mental Health Act conditionally discharging O,
  - (h) the terms of any conditions imposed on O on conditional discharge under section 193(7) or section 200(2) of the Mental Health Act (including under section 193(7) as applied by section 201(3) or 204(3) of that Act),
  - (i) that the Scottish Ministers have recalled O to hospital under section 202 of the Mental Health Act.
- (3) The following information is to be given in a case where the compulsion order authorises O's detention in hospital—
  - (a) that O is unlawfully at large from hospital,
  - (b) that O has returned to hospital having been unlawfully at large,

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**Changes to legislation:** *Criminal Justice (Scotland) Act 2003, Section 16C is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) that a certificate has been granted, for the first time, under the Mental Health Act which suspends O's detention and does not impose a supervision requirement,
  - (d) that the certificate mentioned in paragraph (c) has been revoked.
- (4) The following information is to be given in a case where the order mentioned in paragraph (a) or the order mentioned in paragraph (b) of subsection (2) has been revoked and that decision is appealed against—
- (a) that the Court of Session has decided to allow, or not allow, the appeal against the decision to revoke the order in question,
  - (b) that the Court of Session's decision—
    - (i) has been appealed against to the Supreme Court, or
    - (ii) has not been appealed against to the Supreme Court before the expiry of the time allowed to appeal to the Supreme Court, and therefore if the Court of Session has not allowed the appeal the decision to revoke the order in question is final,
  - (c) that the Supreme Court has decided to allow, or not allow, the appeal against the Court of Session's decision,
  - (d) if the Supreme Court's decision means that the decision to revoke the order in question has not been set aside, that the latter decision is final,
  - (e) if the Court of Session's decision or the Supreme Court's decision means that O is once more subject to the order in question, that fact.]

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#### **Textual Amendments**

- F1** Ss. 16A-16C inserted (15.9.2017 for specified purposes, 30.9.2017 in so far as not already in force) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 55(2)**, 61(2); S.S.I. 2017/234, art. 2(1)(b)(2)(a)(3) (with arts. 5-8)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to [legislation.gov.uk](#). This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)