



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 1

PROTECTION OF THE PUBLIC AT LARGE

The Risk Management Authority

7 Preparation of risk management plans

- (1) Where the offender is serving a sentence—
 - (a) of imprisonment in a prison;
 - (b) of detention in a young offenders institution; or
 - (c) by virtue of section 208 (detention of children convicted on indictment) of the 1995 Act, of detention in some other place,the risk management plan is to be prepared by the Scottish Ministers.
- (2) Where the offender is detained (or liable to be detained) in a hospital by virtue of—
 - (a) a hospital order under section 58 (order for hospital admission or guardianship) of the 1995 Act;
 - (b) a hospital direction under section 59A (hospital directions) of the 1995 Act;
 - (c) an application for admission under Part V (admission to hospital etc.) of the Mental Health (Scotland) Act 1984 (c. 36) (“the 1984 Act”); or
 - (d) a transfer direction under section 71 (removal to hospital of prisoners) of the 1984 Act,the risk management plan is to be prepared by the managers of the hospital in which the offender is detained (or liable to be detained).
- (3) Where the risk management plan does not require to be prepared by the Scottish Ministers or the managers of a hospital under subsections (1) and (2), the plan is to be prepared by the local authority in whose area the offender resides.
- (4) In this section, the expressions “managers of a hospital” and “hospital” are to be construed in accordance with section 125 (interpretation) of the 1984 Act.
- (5) Whoever is required by virtue of this section to prepare the risk management plan is referred to in sections 8 and 9 as the “lead authority”.