



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 1

PROTECTION OF THE PUBLIC AT LARGE

The Risk Management Authority

8 Preparation of risk management plans: further provision

- (1) Preparation of the risk management plan is to be completed no later than 9 months after the offender is sentenced or detained (or becomes liable to be detained) in hospital; but if there is an appeal under subsection (7), it may be completed within such longer period as the Risk Management Authority may reasonably require.
- (2) In preparing the risk management plan, the lead authority is to consult—
 - (a) any person on whom, by virtue of section 6(4), the lead authority is considering conferring functions; and
 - (b) such other persons as it considers appropriate.
- (3) Any person so consulted is to provide such assistance to the lead authority as it may reasonably require for the purposes of preparing the plan.
- (4) The lead authority is to submit the risk management plan to the Risk Management Authority and the Risk Management Authority is to—
 - (a) approve it; or
 - (b) where it considers that a plan does not comply with section 6(3) or that the lead authority has, in preparing the plan, disregarded any guideline or standard under section 5 or any guidance under section 6(6), reject it.
- (5) Where any plan is rejected, the lead authority is to prepare a revised plan and submit it to the Risk Management Authority by such time as the Authority may reasonably require.
- (6) Where the Risk Management Authority—
 - (a) rejects a revised plan; and
 - (b) considers that, unless it exercises its power under this subsection to give directions, subsection (1) would not be complied with,

Status: This is the original version (as it was originally enacted).

the Authority may give directions to the lead authority and any other person having functions under the plan as to the preparation of a revised plan; and the lead authority and such other person must, subject to subsection (7), comply with any such direction.

- (7) The lead authority or any other person to whom any direction is given under subsection (6) may appeal to the sheriff against the direction on the grounds that it is unreasonable.