



Mental Health (Scotland) Act 2015

2015 asp 9

PART 2

CRIMINAL CASES

Making and effect of disposals

42 Periods for short-term compulsion

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 53 (interim compulsion order)—
 - (a) in subsection (3)(c), for the words “expiry of the period of” there is substituted “end of the day following the”,
 - (b) in subsection (8)—
 - (i) in paragraph (a), for the words “expiry of the period of” there is substituted “end of the day following the”,
 - (ii) in paragraph (b), for the words “12 weeks beginning with the day on which the order is made” there is substituted “the relevant period given by subsection (8A) below”,
 - (iii) in paragraph (c), for the words “period of 12 weeks beginning with the day on which the order is made” there is substituted “relevant period given by subsection (8A) below”,
 - (c) after subsection (8) there is inserted—

“(8A) For the purpose of subsection (8)(b) and (c) above, the relevant period is the period—

 - (a) beginning with the day on which the order is made,
 - (b) expiring at the end of the 12 weeks following that day.”.
- (3) In section 53A (interim compulsion order: supplementary), in subsection (1), for the words “expiry of the period of” there is substituted “end of the day following the”.
- (4) In section 53B (review and extension of interim compulsion order)—

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 42. (See end of Document for details)

- (a) in subsection (4), for the words from “(not exceeding” to “not made)” there is substituted “ not exceeding the relevant period given by subsection (4A) below ”,
 - (b) after subsection (4) there is inserted—
 - “(4A) For the purpose of subsection (4) above, the relevant period is the period—
 - (a) beginning with the day on which the order would cease to have effect if it were not extended,
 - (b) expiring at the end of the 12 weeks following that day.”,
 - (c) in subsection (5), for the words “12 months beginning with the day on which the order was first made.” there is substituted “the period—
 - (a) beginning with the day on which the order was first made,
 - (b) expiring at the end of the 12 months following that day.”.
- (5) In section 54 (unfitness for trial: further provision), in subsection (2B)(a), for the words “expiry of the period of” there is substituted “ end of the day following the ”.

Commencement Information

II S. 42 in force at 30.9.2017 by S.S.I. 2017/197, art. 2, sch. (with art. 21)

Changes to legislation:

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 42.