



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 3

#### VICTIMS' RIGHTS

##### *Additional provisions*

#### 57 Information sharing

- (1) The Criminal Justice (Scotland) Act 2003 is amended as follows.
- (2) After section 17D there is inserted—

##### **“17E Information sharing in respect of mentally-disordered offenders**

- (1) Where the Scottish Ministers are subject to a duty under section 16 or 16A to give a person (“V”) information about another person (“O”), they must give notice to—
  - (a) O's responsible medical officer, and
  - (b) if O is subject to a compulsion order, the Mental Health Tribunal.
- (2) A notice under subsection (1) is to request that the recipient of the notice provide the Scottish Ministers with information in such circumstances as may be specified in the notice.
- (3) The information that the Scottish Ministers may request in a notice under subsection (1) must be information about O which they will require in order to fulfil their duty to give information to V under section 16, 16A or 17D.
- (4) The recipient of a notice under subsection (1) must provide the Scottish Ministers with the information requested in the notice in the circumstances specified in it.
- (5) If the Scottish Ministers cease to be required to give anyone information about O under section 16 or 16A—
  - (a) they must intimate that fact to anyone to whom they sent a notice in relation to O in accordance with subsection (1), and

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 57. (See end of Document for details)*

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- (b) on receiving that intimation, subsection (4) ceases to apply to the person who received the intimation.”.

**Commencement Information**

**I1** S. 57 in force at 15.9.2017 by S.S.I. 2017/234, art. 2(1)(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 57.