



Mental Health (Scotland) Act 2015

2015 asp 9

PART 3

VICTIMS' RIGHTS

Additional provisions

60 Amendments to the 2003 Act

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) In section 193 (powers of Tribunal on reference or application under certain sections), after subsection (9) there is inserted—

“(9A) Where—

- (a) a person (“V”) is entitled to make victim's representations before the Tribunal makes a decision under this section, and
- (b) V has not been afforded the opportunity of making representations under subsection (8),

before making a decision about what (if any) conditions to impose on the patient's conditional discharge under subsection (7), the Tribunal must have regard to any victim's representations made by V.”.

(3) In section 200 (variation of conditions imposed on conditional discharge), after subsection (2) there is inserted—

“(2A) Before varying any conditions under subsection (2), the Scottish Ministers must have regard to any victim's representations.”.

(4) In section 224 (patients subject to certain other orders and directions: suspension of measure authorising detention), after subsection (6) there is inserted—

“(6A) Before deciding what conditions such as are mentioned in subsection (7) below to include in a certificate under subsection (2) above (if any), the responsible medical officer must have regard to any victim's representations.”.

(5) In section 329 (interpretation), at the appropriate alphabetical place in subsection (1) there is inserted—

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 60. (See end of Document for details)

““victim's representations” means representations made under section 17B of the Criminal Justice (Scotland) Act 2003 in relation to the matter being considered;”.

Commencement Information

II S. 60 in force at 30.9.2017 by S.S.I. 2017/234, art. 2(2)(c)

Changes to legislation:

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 60.