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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 197**

**The Mental Health (Scotland) Act 2015 (Commencement No. 4 and Transitional and Savings Provisions) Order 2017**

*CRIMINAL CASES*

**Periods for assessment orders: amendments made by section 40 of the Act**

- 19.** Despite the commencement of section 40 of the Act—
- (a) the amendments made by subsection (3) of that section to section 52F of the 1995 Act<sup>(1)</sup> (assessment order: supplementary) have no effect where the assessment order referred to in section 52F(1) of the 1995 Act is made before the appointed day;
  - (b) the amendments made by paragraph (a) of subsection (4) of that section to section 52G of the 1995 Act (review of assessment order) have no effect where the assessment order referred to in section 52G(1) of the 1995 Act is made before the appointed day;
  - (c) the amendments made by subsection (5) of that section to section 52H<sup>(2)</sup> to the 1995 Act (early termination of assessment order) have no effect where the assessment order referred to in section 52H(1) of the 1995 Act is made before the appointed day.

**Periods for treatment orders: amendments made by section 41 of the Act**

- 20.** Despite the commencement of section 41 of the Act—
- (a) the amendment made by subsection (3) of that section to section 52P of the 1995 Act<sup>(3)</sup> (treatment order: supplementary) has no effect where the treatment order referred to in section 52P(1) is made before the appointed day;
  - (b) the amendments made by subsection (4) of that section to section 52R<sup>(4)</sup> of the 1995 Act (termination of treatment order) have no effect where the treatment order referred to in section 52R(1) of the 1995 Act was made before the appointed day.

**Periods for short-term compulsion: amendments made by section 42 of the Act**

- 21.** Despite the commencement of section 42 of the Act—
- (a) the amendment made by subsection (3) of that section to section 53A<sup>(5)</sup> of the 1995 Act (interim compulsion order: supplementary) has no effect where the interim compulsion order referred to in section 53A(1) of the 1995 Act was made before the appointed day;

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(1) Sections 52F, 52G and 52H were inserted by the 2003 Act, section 130.  
(2) Section 52H was amended by the Criminal Justice and Licensing (Scotland) Act 2010 ([asp 13](#)), schedule 2(1), paragraph 2(a) and (b).  
(3) Sections 52P and 52R were inserted by the 2003 Act, section 130.  
(4) Section 52R was amended by the Criminal Justice and Licensing (Scotland) Act 2010, schedule 2(1), paragraph 3(a) and (b).  
(5) Section 53A was inserted by the 2003 Act, section 131.

- (b) the amendment made by subsection (5) of that section to section 54 of the 1995 Act (unfitness for trial: further provision) has no effect where the temporary compulsion order referred to in section 54(2B)(a)(6) of the 1995 Act is made before the appointed day.

**Periods for compulsion orders: amendments made by section 43 of the Act**

- 22. Despite the commencement of section 43 of the Act—
  - (a) the amendments made by section 43(3) of the Act to section 57B of the 1995 Act(7) (compulsion order authorising detention in hospital or requiring residence at place: ancillary provision) have no effect where the compulsion order referred to in section 57B(1) of the 1995 Act is made before the appointed day;
  - (b) the amendments made by section 43(4) of the Act to section 57D of the 1995 Act (compulsion order: supplementary) have no effect where the compulsion order referred to in section 57D(1) of the 1995 Act is made before the appointed day.

**Periods for hospital directions: amendments made by section 44 of the Act**

- 23. Despite the commencement of section 44 of the Act, the amendments made by subsection (3) of that section to section 59C(8) of the 1995 Act (hospital direction: supplementary) have no effect where the hospital direction referred to in section 59C(1) of the 1995 Act is made before the appointed day.

**Consequential repeals: section 49 of the Act**

- 24. Despite the commencement of section 49 of the Act, the repeal made by paragraph (a) of that section does not affect the validity of any order, or the detention of any patient which is authorised by any order, mentioned in section 9(1) of the Crime and Punishment (Scotland) Act 1997(9).

**Effect of revocation of restriction order: amendments made by section 52 of the Act**

- 25. Despite the commencement of section 52 of the Act the amendments made by that section to section 198(2) of the 2003 Act (effect of revocation of restriction order) have no effect where the circumstances referred to in section 198(1)(a) and (b) of the 2003 Act occur before the appointed day.

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(6) Subsection (2B) was inserted by the 2003 Act, schedule 4, paragraph 8(b).

(7) Sections 57B and 57D were inserted by the 2003 Act, section 133.

(8) Section 59C was inserted by the 2003 Act, schedule 4, paragraph 8(b).

(9) 1997 c.48. Section 9 was amended by the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), paragraph 66 of schedule 7.