
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 234

**The Mental Health (Scotland) Act 2015 (Commencement
No. 5 and Transitional Provisions) Order 2017**

TRANSITIONAL PROVISIONS

**Victim's right to information on offender subject to compulsion order: sections 16A to 16C
of the 2003 Act**

5.—(1) Paragraph (2) applies where—

- (a) an offence has been perpetrated against a natural person;
- (b) another person (“O”), immediately before 5th October 2005, was subject to a hospital order or an order having the effect of a hospital order made under section 58 of the 1995 Act (order for hospital admission or guardianship) in proceedings in respect of that offence and was subject to the special restrictions set out in section 62(1) of the 1984 Act (effect of restriction orders); and
- (c) O fell to be treated on that date as if a compulsion order and a restriction order had been made in respect of O, by virtue of article 20 of the 2005 Order (restriction orders).

(2) For the purposes of section 16A(1)(b) of the 2003 Act (victim's right to receive information concerning offender subject to compulsion order), O is to be treated as if O has been made subject to a compulsion order and a restriction order in proceedings in respect of an offence as described in subsection (1)(a) of that section.