

## SCHEDULE 1

Regulations 3(1) and 4

### PERSONS TO WHOM DIRECT PAYMENTS MAY NOT BE MADE

This Schedule applies to a person —

- (a) who is required to submit to treatment for his or her mental condition or drug or alcohol dependency by virtue of a requirement of a community rehabilitation order within the meaning of section 41 of the 2000 Act or a community punishment and rehabilitation order within the meaning of section 51 of that Act;
- (b) who is subject to a drug treatment and testing order within the meaning of section 52 of the 2000 Act;
- (c) who is released on licence under section 37 of the Criminal Justice Act 1991<sup>(1)</sup> subject to a condition that he or she submits to treatment for his or her mental condition or drug or alcohol dependency;
- (d) who is placed under guardianship in pursuance of—
  - (i) an application made in accordance with section 7 of the 1983 Act; or
  - (ii) an order made under section 37 of that Act;
- (e) who is absent from hospital with leave given in accordance with section 17 of the 1983 Act;
- (f) who is subject to after-care under supervision within the meaning of section 25A of the 1983 Act<sup>(2)</sup>;
- (g) who has in force in respect of him or her a condition imposed in accordance with section 42(2) or 73(4) of the 1983 Act (including such a condition as varied in accordance with section 73(5) or 75(3) of that Act);
- (h) who has in force in respect of him or her a supervision and treatment order within the meaning of Part 1 of Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991<sup>(3)</sup>;
- (i) who is a patient subject to after-care under a community care order under section 35A of the 1984 Act<sup>(4)</sup>;
- (j) who is a patient who is absent from hospital on leave under section 27 of the 1984 Act;
- (k) who is subject to a guardianship order within the meaning of section 57 of the Adults with Incapacity (Scotland) Act 2000<sup>(5)</sup> by reason of, or by reasons which include, incapacity through mental disorder;
- (l) who is a restricted patient within the meaning of section 63(1) of the 1984 Act and who has been given a conditional discharge under section 64 or 68 of that Act;
- (m) who is subject to an order of a court under section 57(2)(a), (b), (c) or (d), 58 or 59 of the 1995 Act;
- (n) who is required to submit to treatment for his or her mental condition or his or her drug or alcohol dependency by virtue of a requirement of a probation order within the meaning of sections 228 to 230 of the 1995 Act, or who is subject to a drug treatment and testing order within the meaning of section 234B of that Act<sup>(6)</sup>; or

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(1) 1991 c. 53.

(2) Section 25A was inserted by section 1(1) of the Mental Health (Patients in the Community) Act 1995 (c. 52) (“the 1995 Act”).

(3) 1991 c. 25.

(4) Section 35A was inserted by section 4 of the 1995 Act.

(5) 2000 asp 4.

(6) Section 234B was inserted by section 90 of the Crime and Disorder Act 1998 (c. 37).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (o) who is released on licence under section 22 or 26 of the Prisons (Scotland) Act 1989<sup>(7)</sup> or under section 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993<sup>(8)</sup> and is subject to a condition that he or she submits to treatment for his or her mental condition or for his or her drug or alcohol dependency.

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(7) 1989 c. 45.  
(8) 1993 c. 9.