

# **MENTAL HEALTH (SCOTLAND) ACT 2015**

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## **EXPLANATORY NOTES**

### **THE STRUCTURE & A SUMMARY OF THE ACT**

#### **Part Three – Victims’ Rights**

##### *Section 58: associated definitions*

##### **New section 18A**

163. **Section 58** inserts a new interpretation section to the Criminal Justice Act. Section 18A adds references to the 2003 Act, the Tribunal and transfer for treatment direction. It also defines what is meant by a reference to a certificate under the Mental Health (Scotland) Act 2003 which suspends a person’s detention without imposing a supervision requirement, and what it means for such a certificate to be granted for the first time. The latter covers both a person who has been detained and whose detention is suspended for the first time after detention; as well a person who has been recalled to hospital following conditional discharge. Subsection (3) provides that (for the purposes of sections 16A(3)(b) and 17B(5)(c)) for a condition to be relevant to the victim, the condition must be one which restricts the person contacting an individual or being in a place and the victim must have made a valid request to the Scottish Ministers to be informed about any such condition.