

MENTAL HEALTH (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE & A SUMMARY OF THE ACT

Part Three – Victims’ Rights

Section 60: Amendments to the 2003 Act

Amendment to [section 193](#)

167. [Section 60](#) amends section 193 of the 2003 Act by requiring that where a victim is entitled to make representations before the Tribunal makes a decision, and no opportunity has been given to the victim to make representations, the Tribunal must have regard to any victim’s representations before making a decision about what conditions, if any to impose when directing conditional discharge under that section.
168. [Section 60](#) further amends section 200 of the 2003 Act, by requiring the Scottish Ministers to have regard to any victims’ representations made in writing before varying any conditions with regard to a conditional discharge of a patient.
169. Section 60(4) of the Act amends section 224 of the 2003 Act by requiring a responsible medical officer to consider victims’ representations before deciding what conditions should be included in any certificate suspending detention.
170. [Section 329](#) is amended by section 60(5) of the Act to include a definition of victim’s representations at the appropriate place in that interpretation section.