

*Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, SCHEDULE 1. (See end of Document for details)*

## SCHEDULE 1

(introduced by section 35)

### MANAGERS OF AN ESTABLISHMENT

- 1 For the purposes of Part 4 “the managers” of an establishment means—
- (a) in relation to a hospital vested in the Scottish Ministers under the National Health Service (Scotland) Act 1978 (c.29), the Health Board responsible for the administration of that hospital;
  - (b) in relation to a hospital managed by a National Health Service trust established under section 12A of the said Act of 1978, the directors of the trust;
  - (c) in relation to a State hospital—
    - (i) the Scottish Ministers; or
    - (ii) <sup>F1</sup>.....
    - (iii) if the management of that hospital has been delegated to a Health Board, to a Special Health Board, to a National Health Service trust or to the Common Services Agency for the Scottish Health Service, that Board, trust or Agency, as the case may be, or any person appointed by the Board, trust or agency, as the case may be, to manage the hospital;
  - <sup>F2</sup>(d) in relation to a care service or limited registration service—
    - (i) the person identified under <sup>F3</sup>section 59(2)(b) of <sup>F4</sup>the Public Services Reform (Scotland) Act 2010] (asp 8) in the application for registration of the service;
    - (ii) if the application is made under <sup>F5</sup>section 83(1) of that Act, the local authority or any person appointed by the local authority to manage the service; or
    - (iii) if another person has been identified in pursuance of regulations under <sup>F6</sup>section 78(2) of that Act, the other person so identified, and in paragraph (d) above “care service” and “limited registration service” have the same meanings as in <sup>F7</sup>Part 5 of the Public Services Reform (Scotland) Act 2010]<sup>F8</sup>;
  - <sup>F8</sup>(e) in relation to an independent hospital or private psychiatric hospital (as defined in section 10F(2) of the National Health Service (Scotland) Act 1978 (c.29)), the person identified under section 10P(2)(b) of that Act in the application for registration of the service.]

#### Textual Amendments

- F1** Sch. 1 para. 1(c)(ii) and following word repealed (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), ss. 331(2), 333(2)-(4), [Sch. 5 Pt. 1](#); S.S.I. 2005/161, [art. 3](#)
- F2** Sch. 1: words in para. 1 substituted (1.4.2002) "for paragraphs (d) to (g)" by virtue of 2001 asp 8, ss. 79, 81(2), [Sch. 3 para. 23\(6\)](#); S.S.I. 2002/162, [art. 2](#)
- F3** Words in sch. 1 para. 1(d)(i) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, [sch. 1 para. 8\(4\)\(b\)](#)
- F4** Words in sch. 1 para. 1 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, [sch. 1 para. 8\(4\)\(a\)\(i\)](#)
- F5** Words in sch. 1 para. 1(d)(ii) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, [sch. 1 para. 8\(4\)\(c\)](#)

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- F6** Words in sch. 1 para. 1(d)(iii) substituted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 1 para. 8(4)(d)**
- F7** Words in sch. 1 para. 1 substituted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 1 para. 8(4)(a)(ii)**
- F8** Sch. 1 para. 1(e) and word inserted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 2 para. 5(4)**

- 2           The Scottish Ministers may by regulations amend the list of managers in paragraph 1.

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