

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 18 – Miscellaneous**

##### **Advance statements: effect**

##### ***Section 280: restriction of Scottish Ministers' powers to delegate management of state hospitals***

549. Originally, Part VIII of the 1984 Act contained provisions regarding state hospitals for patients who required special security. These provisions have now largely been repealed, and the responsibility of the Scottish Ministers to provide such hospitals is contained in section 102 of the National Health Service (Scotland) Act 1978.
550. Section 102 of the 1978 Act provides that a state hospital may be managed on behalf of the Scottish Ministers by:
- a committee constituted under section 91 of the 1984 Act; or
  - a Health Board, Special Health Board, the Common Services Agency or an NHS Trust.
551. Section 91 of the 1984 Act is not re-enacted in the Act. This section removes the reference to it from the 1978 Act.