



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 4

HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

CHAPTER 1

HEALTH BOARD DUTIES

Services and accommodation: particular cases

23 Provision of services and accommodation for certain patients under 18

- (1) A Health Board shall provide for any child or young person who—
- (a) is detained in hospital under Part 5 or 6 of this Act; or
 - (b) has been admitted to hospital, whether voluntarily or not, for the purposes of receiving treatment for a mental disorder,
- such services and accommodation as are sufficient for the particular needs of that child or young person.
- (2) In this section, “child or young person” means a person under the age of 18 years.

Commencement Information

- II** **S. 23** in force at 5.10.2005 by **S.S.I. 2005/161, art. 3** (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

24 **[^{F1}Services and accommodation for mothers]**

- (1) A Health Board shall provide for any woman who—
- (a) is the mother or adoptive mother of a child less than one year old;

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Services and accommodation: particular cases is up to date with all changes known to be in force on or before 18 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) cares for the child;
- (c) is not likely to endanger the health or welfare of the child; and
- (d) has been admitted to hospital, whether voluntarily or not, for the purposes of receiving treatment [^{F2}for—
 - (i) post-natal depression; or
 - (ii) a mental disorder (other than post-natal depression),]

such services and accommodation as are necessary to ensure that the woman is able, if she wishes, to care for the child in hospital.

[^{F3}(1A) But a Health Board is required to provide services and accommodation under subsection (1) above only if it is satisfied that doing so would be beneficial to the wellbeing of the child.]

- (2) Each Health Board shall collaborate with other Health Boards to whatever extent is necessary to fulfil its duty under subsection (1) above.

Textual Amendments

- F1** S. 24 title substituted by virtue of (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 31(3)**, 61(2); S.S.I. 2017/197, art. 2, sch.
- F2** Words in s. 24(1)(d) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 31(2)(a)**, 61(2); S.S.I. 2017/197, art. 2, sch.
- F3** S. 24(1A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 31(2)(b)**, 61(2); S.S.I. 2017/197, art. 2, sch.

Commencement Information

- I2** S. 24 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

Changes to legislation:

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Services and accommodation: particular cases is up to date with all changes known to be in force on or before 18 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)