



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

## 2003 asp 13

### PART 6

#### SHORT-TERM DETENTION

*[<sup>F1</sup>Effect of short-term detention certificate etc. on certain orders]*

#### Textual Amendments

- F1** S. 56 cross-heading substituted by virtue of (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), ss. **8(3)(b)**, 61(2); S.S.I. 2017/197, art. 2, sch.

#### **56** [<sup>F2</sup>Effect of short-term detention certificate etc. on certain orders]

(1) Subsection (2) below applies where—

- (a) a patient is subject to a [<sup>F3</sup>relevant order]; and
- (b) a short-term detention certificate is granted in respect of the patient.

[<sup>F4</sup>(2) A relevant order shall cease to authorise the measures specified in it for the period during which the patient is subject to—

- (a) the short-term detention certificate, or
- (b) an extension certificate.]

[<sup>F5</sup>(3) In this section, the references to a relevant order are to—

- (a) a compulsion order, or
- (b) a compulsory treatment order or an interim compulsory treatment order.]

#### Textual Amendments

- F2** S. 56 title substituted (30.6.2017) by virtue of [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), ss. **8(3)(a)**, 61(2); S.S.I. 2017/197, art. 2, sch.

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Effect of short-term detention certificate etc. on certain orders is up to date with all changes known to be in force on or before 25 May 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*

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- F3** Words in s. 56(1)(a) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 8\(2\)\(a\), 61\(2\)](#); [S.S.I. 2017/197, art. 2, sch. \(with art. 8\)](#)
- F4** S. 56(2) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 8\(2\)\(b\), 61\(2\)](#); [S.S.I. 2017/197, art. 2, sch. \(with art. 8\)](#)
- F5** S. 56(3) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 8\(2\)\(c\), 61\(2\)](#); [S.S.I. 2017/197, art. 2, sch. \(with art. 8\)](#)

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#### **Commencement Information**

- I1** S. 56 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: Effect of short-term detention certificate etc. on certain orders is up to date with all changes known to be in force on or before 25 May 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.

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**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\(3\)](#)