



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

## 2003 asp 13

### PART 4

#### HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

#### CHAPTER 2

#### LOCAL AUTHORITY FUNCTIONS

#### *Provision of services*

#### **25 Care and support services etc.**

- (1) A local authority—
  - (a) shall—
    - (i) provide, for persons who are not in hospital and who have or have had a mental disorder, services which provide care and support; or
    - (ii) secure the provision of such services for such persons; and
  - (b) may—
    - (i) provide such services for persons who are in hospital and who have or have had a mental disorder; or
    - (ii) secure the provision of such services for such persons.
- (2) Services provided by virtue of subsection (1) above shall be designed to—
  - (a) minimise the effect of the mental disorder on such persons; and
  - (b) give such persons the opportunity to lead lives which are as normal as possible.
- (3) In subsection (1) above, “care and support”—
  - (a) includes, without prejudice to the generality of that expression—
    - (i) residential accommodation; and

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***Changes to legislation:** Mental Health (Care and Treatment) (Scotland) Act 2003, Section 25 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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- (ii) personal care and personal support (each of those expressions having the meaning given by [<sup>F1</sup>paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010] (asp 8)); but
- (b) does not include nursing care.
- (4) In section 59(1) of the Social Work (Scotland) Act 1968 (c. 49) (duty of local authorities as respects provision and maintenance of residential or other establishments), for the words “or under” there shall be substituted “sections 25 and 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) or”.

#### **Textual Amendments**

- F1** Words in s. 25(3)(a)(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. 13(3)**

#### **Modifications etc. (not altering text)**

- C1** Ss. 25-27 restricted (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), arts. 1(1), **14(1)**
- C2** Ss. 25-27 excluded (1.4.2015) by [Care Act 2014 \(c. 23\)](#), s. 127(1), **Sch. 1 paras. 1(3), 4(3)(b)** (with [Sch. 1 paras. 8, 14](#)); [S.I. 2015/993](#), art. 2(x)(i) (with transitional provisions in [S.I. 2015/995](#))
- C3** S. 25 modified (24.6.2015) by [The Community Care \(Provision of Residential Accommodation Outwith Scotland\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/202\)](#), regs. 1(1), **2(2)**
- C4** Ss. 25-27 excluded (6.4.2016) by [Care Act 2014 \(c. 23\)](#), s. 127(1), **Sch. 1 para. 2(3)** (with [Sch. 1 paras. 8, 14](#)); [S.I. 2016/464](#), art. 2(c)

#### **Commencement Information**

- I1** S. 25 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, Section 25 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\(3\)](#)