



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

26 Services designed to promote well-being and social development

- (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 are designed to promote the well-being and social development of those persons; 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 include, without prejudice to the generality of that subsection, services which provide—
- (a) social, cultural and recreational activities;
 - (b) training for such of those persons as are over school age; and
 - (c) assistance for such of those persons as are over school age in obtaining and in undertaking employment.
- (3) Subsection (1) above is without prejudice to the operation of—

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 26 is up to date with all changes known to be in force on or before 06 June 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*

- (a) section 1 of the Education (Scotland) Act 1980 (c. 44) (duties and powers of education authorities in relation to the provision of social, cultural and recreative activities and vocational and industrial training); and
 - (b) section 1 of the Further and Higher Education (Scotland) Act 1992 (c. 37) (duty of Scottish Ministers in relation to the provision of further education).
- (4) In subsection (2)(b) and (c) above, “school age” has the same meaning as in section 31 of the Education (Scotland) Act 1980 (c. 44).

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** 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. 26 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)

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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\(3\)](#)