



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

2003 asp 13

PART 5

EMERGENCY DETENTION

[^{F1}Effect of emergency detention certificate on certain orders]

43 [^{F1}Effect of emergency detention certificate on certain orders]

- (1) This section applies where—
 - (a) a patient is subject to a [^{F2}relevant order]; and
 - (b) an emergency detention certificate is granted in respect of the patient.
- (2) [^{F3}A relevant order] shall, subject to subsection (3) below, cease to authorise the measures specified in it for the period during which the patient is subject to the emergency detention certificate.
- (3) If the measure mentioned in section 66(1)(b) of this Act [^{F4}or (as the case may be) section 57A(8)(b) of the 1995 Act] is specified in the [^{F5}relevant order], the [^{F5}relevant order] shall continue to authorise that measure during the period mentioned in subsection (2) above.
- [^{F6}(4) 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

- F1** S. 43 title substituted (30.6.2017) by virtue of [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 7\(3\)\(a\), 61\(2\); S.S.I. 2017/197, art. 2, sch. \(with art. 7\)](#)
- F2** Words in s. 43(1)(a) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 7\(2\)\(a\), 61\(2\); S.S.I. 2017/197, art. 2, sch. \(with art. 7\)](#)
- F3** Words in s. 43(2) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 7\(2\)\(b\), 61\(2\); S.S.I. 2017/197, art. 2, sch. \(with art. 7\)](#)

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 43 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*

- F4** Words in s. 43(3) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 7(2)(c)(i)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch. (with art. 7)
- F5** Words in s. 43(3) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 7(2)(c)(ii)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch. (with art. 7)
- F6** S. 43(4) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 7(2)(d)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch. (with art. 7)

Commencement Information

- I1** S. 43 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\(3\)](#)