
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 375 (C. 16)

MENTAL HEALTH

**The Mental Health (Care and Treatment) (Scotland) Act
2003 (Commencement No. 4) Amendment Order 2005**

Made - - - -

1st July 2005

The Scottish Ministers, in exercise of the powers conferred by section 333(3) and (4) of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁾ and all other powers enabling them in that behalf, hereby make the following Order:

Citation

1. This Order may be cited as the Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 4) Amendment Order 2005.

Amendment of the principal Order

2. For article 3 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 4) Order 2005⁽²⁾ substitute—

“**3.** All the provisions of the Act shall, in so far as not then in force, come into force on 5th October 2005 with the exception of—

- (a) Chapter 3 of Part 17 (detention in conditions of excessive security);
- (b) in schedule 4 (minor and consequential amendments), paragraph 10(a) (the [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#)); and
- (c) in schedule 5 (repeals), in the entry for the [Regulation of Care \(Scotland\) Act 2001 \(asp 8\)](#), in the second column, the entries relating to sections 2(5)(b) and 77 of that Act.”.

St Andrew’s House, Edinburgh
1st July 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(1) 2003 asp 13.
(2) S.S.I. 2005/161.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 4) Order 2005 by extending those provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”) which are excluded from commencement on 5th October 2005. Article 2 provides that the following provisions of the 2003 Act are also excluded from commencement on that date:—

- (a) the amendment to the definition of “independent hospital” in the Regulation of Care (Scotland) Act 2001 (“the 2001 Act”) (paragraph 10(a) of schedule 4 (minor and consequential amendments) to the 2003 Act); and
- (b) the repeal of the references to a “private psychiatric hospital” in the definition of “independent health care service” in sections 2(5) and 77 of the 2001 Act (the entries in schedule 5 (repeals and revocations) to the 2003 Act relating to sections 2(5)(b) and 77 of the 2001 Act).