
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).