
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 452

**The Mental Health (Care and Treatment) (Scotland) Act
2003 (Transitional and Savings Provisions) Order 2005**

PART 2

PATIENTS DETAINED UNDER PART 5 OF THE 1984 ACT

Deemed compulsory treatment order

3.—(1) A 1984 Act patient shall be treated as if that patient was subject to a compulsory treatment order made under section 64(4)(a) of the 2003 Act and as if liable to be detained by virtue of the 2003 Act.

(2) The deemed compulsory treatment order—

- (a) authorises the measures mentioned in section 66(1)(a) and (b) of the 2003 Act for the remaining period of time for which there was authority for the detention of the patient under Part 5 of the 1984 Act;
- (b) is deemed to record as the type (or types) of mental disorder that the patient has the type (or types) of mental disorder common to the 2 medical recommendations mentioned in section 18(2) of the 1984 Act, or, where applicable, any forms of mental disorder mentioned in the reports mentioned in section 74(9) of the 1984 Act except that the form of mental disorder specified by the deemed compulsory treatment order is—
 - (i) learning disability where the form of mental disorder common to the recommendations or mentioned in the reports is mental handicap; and
 - (ii) personality disorder where the form of mental disorder common to the recommendations or mentioned in the reports is mental illness consisting of personality disorder; and
- (c) is deemed to specify the hospital in which the person is detained immediately before 5th October 2005 or, if the patient has not yet been admitted to hospital, is deemed to specify the hospital named in the application for admission under Part 5 of the 1984 Act.