
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 459 (C.23)

MENTAL HEALTH

**The Mental Health (Care and Treatment) (Scotland) Act 2003
(Commencement No. 4) Amendment (No. 2) Order 2005**

Made - - - - 22nd September
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 of 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 (No. 2) Order 2005.

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

2. In article 3 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 4) Order 2005⁽²⁾ after “exception of—” insert—

“(za) section 101(2)(b) (Tribunal’s duty to review determination under section 86 where no decision has been made during period of 2 years);”.

St Andrew’s House, Edinburgh
22nd September 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(1) 2003 asp 13.

(2) S.S.I. 2005/161; the relevant amending instrument is S.S.I. 2005/375.

Status: This is the original version (as it was originally made).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.

It adds a provision of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”) to the provisions of the Act which are excepted from commencing on 5th October 2005.

The effect of Article 2 is to provide that section 101(2)(b) of the Act should not commence on 5 October 2005.

Section 101(2)(b) of the Act requires the Tribunal to review a determination made under section 86 of the Act extending a compulsory treatment order, where no decision has been made by the Tribunal during a period of 2 years ending with the day on which the order, had it not been extended by the determination, would have ceased to authorise the measures specified in it.