

SCHEDULE 1

MODIFICATION OF ENACTMENTS

Scottish Public Services Ombudsman Act 2002 (asp 11)

30.—(1) The Regulation of Care (Scotland) Act 2001 shall be amended as follows.

(2) In section 77 (interpretation) in subsection (1)(1)—

(a) for the definition of “private psychiatric hospital” substitute—

““private psychiatric hospital” means any premises used or intended to be used for the provision of medical treatment to one or more patients subject to an order or direction under the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#) or the Criminal Procedure (Scotland) Act 1995 (c. 46) (whether or not other persons are treated there), not being—

- (a) any health service hospital (as defined in section 108(1) of the National Health Service (Scotland) Act 1978 (c. 29);
- (b) any state hospital; or
- (c) otherwise an independent health care service;” and

(b) after the definition of “medical records” insert—

““medical treatment” has the meaning given by section 329 of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#);”.

(1) Section 77 is prospectively amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 schedules 4 and 5. See also [S.S.I. 2005/161](#) and [2005/375](#).