

## SCHEDULE 2

### MODIFICATIONS RELATING TO HEALTHCARE IMPROVEMENT SCOTLAND

#### PART 1

##### MODIFICATIONS OF PRIMARY LEGISLATION

###### ***Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)***

- 8.—(1) The Mental Health (Care and Treatment) (Scotland) Act 2003(1) is amended as follows.
- (2) After section 3(3)(f) (equal opportunities), insert—
- “(fa) (as respects its health service functions only) Healthcare Improvement Scotland;”.
- (3) After section 281(5)(l) (correspondence of certain persons detained in hospital), insert—
- “(1a) Healthcare Improvement Scotland;”.
- (4) In section 298 (removal to a place of safety from a public place)—
- (a) in subsection (5)(a)(ii), after “care service” insert “ or, independent health care service”; and
- (b) in subsection (6), after the definition of “care service”, insert—
- ““independent health care service” means any of the following—
- (a) an independent hospital;
- (b) a private psychiatric hospital;
- (c) an independent clinic; or
- (d) an independent medical agency,
- as each of those terms is defined in section 10F(2) of the National Health Service (Scotland) Act 1978 (c.29);”.
- (5) In section 329(1)(2) (interpretation)—
- (a) for the definition of “independent health care service” substitute—
- ““independent health care service” means any of the following—
- (a) an independent hospital;
- (b) a private psychiatric hospital;
- (c) an independent clinic; or
- (d) an independent medical agency,
- as each of those terms is defined in section 10F(2) of the [National Health Service \(Scotland\) Act 1978 \(c.29\)](#); and”; and
- (b) in the definition of “managers”, in paragraph (c), for the words from “Part 1” to the end of that paragraph, substitute “section 10Q(1) of the National Health Service (Scotland) Act 1978 (c.29), the person identified under section 10P(2)(b) of that Act in the application for registration”.

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(1) 2003 asp 13.

(2) Section 329(1) was amended by [S.S.I. 2005/465](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, Paragraph 8. (See end of Document for details)

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**Commencement Information**

**II** Sch. 2 para. 8 in force at 1.4.2011, see [art. 1](#)

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There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, Paragraph 8.