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SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Mental Health (Scotland) Act 1960

- 50 Subject to any specific amendment any reference to a local health authority, wherever occurring except in relation to section 7(1), shall be construed as a reference to a "local authority" within the meaning of the Social Work (Scotland) Act 1968.
- 51 (1) In section 7(1), after the words " shall include ", there shall be inserted the words " the ascertainment of mental deficiency in any person not of school age within the meaning of the Education (Scotland) Act 1962.
- (1A) In relation to the aforesaid persons the purpose for which arrangements are authorised or required to be made by a local authority under the said section 27(1) as read with section 1(4) of the Social Work (Scotland) Act 1968 shall include the following, that is to say—" ; and paragraph (e) shall be omitted ".
- (2) In subsection (2) for " (1) " where secondly occurring there shall be substituted the word " (1A) ".
- 52 In section 10(1) in paragraph (a) after head (iii) there shall be inserted the following head—
- “or
- (iv) section 17 of the Social Work (Scotland) Act 1968 ;”.
- 53 In section 30(2), for the words " to the local health authority " there shall be substituted the words " in the case of a guardianship application, to the medical officer of the local authority ".
- 54 In section 46, for paragraph (c), there shall be substituted the following paragraphs—
- “(c) section 17 of the Social Work (Scotland) Act 1968 (which relates to children in respect of whom parental rights have been assumed under section 16 of that Act); and
- (d) section 3 of the Children Act 1948 (which makes corresponding provisions in England and Wales)”,
- and after the words " by virtue of " there shall be inserted the words " subsection (2) of the said section 17 or
- 55 In section 57(3)(b), after the word "child", there shall be inserted the words " under sixteen years of age ".
- 56 In section 59(1) for the word " home " there shall be substituted the words " residential establishment ", and for the words " under Part II of the Children Act

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1948 " there shall be substituted the words " under Part IV of the Social Work (Scotland) Act 1968 ".

57 In section 66(7), for paragraph (a) there shall be substituted the following paragraph—

“(a) to a person detained in pursuance of any sentence or order for detention made by a court in criminal proceedings (other than an order under section 63 of this Act, or under subsection (3) of section 3 of the Criminal Appeal (Scotland) Act 1926, or under any enactment to which section 64 of this Act applies);”.

58 In section 72(1).—

for the definition of " guardian " there shall be substituted the following definition—

“" guardian " in relation to a child has the same mean-as in the Social Work (Scotland) Act 1968”;

in the definition of " place of safety " for the words " and in relation to a child " to the end there shall be substituted the words—

“and in relation to a child means a place of safety within the meaning of the Social Work (Scotland) Act 1968”.

after the definition of " place of safety " there shall be added the following definition—

“" residential establishment " has the same meaning as in the Social Work (Scotland) Act 1968”.

59 In section 111, after the definition of "hospital order" there shall be inserted the following definition—

“" local authority " has the same meaning as in the Social Work (Scotland) Act 1968”.