



Mental Health (Scotland) Act 1984

CHAPTER 36

MENTAL HEALTH (SCOTLAND) ACT 1984

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PART I — CONSTITUTION

- 1 A State Hospital Management Committee shall be a body corporate...
- 2 A State Hospital Management Committee shall consist of a chairman...
- 3 Not less than one half of the members of a...
- 4 The application of the seal of a State Hospital Management...
- 5 Every document purporting to be an instrument issued by a...

PART II — SUPPLEMENTARY PROVISIONS

- 6 Regulations may make provision— (a) as to the appointment, tenure...
- 7 The proceedings of a State Hospital Management Committee shall not...
- 8 The following provisions of the National Health Service (Scotland) Act...

SCHEDULE 2 — Application of Provisions of Part V to Patients Subject to Hospital or Guardianship Orders

PART I — HOSPITAL ORDER WITHOUT RESTRICTION ORDER (SECTION 60(1)); TRANSFER FROM PRISON WITHOUT RESTRICTION (SECTION 71)

- 1 Sections 27, 31, 32, 53, 54, 55, 56 and 58...
- 2 Sections 22, 28, 29, 30, 33, 35, 57 and 59...
- 3 In section 22— (a) subsection (1) shall be omitted ;...
- 4 In section 28 subsection (4) shall be omitted.
- 5 In section 29(3) for the words from "as follows" to...
- 6 In section 30— (a) in subsection (1), for the words...
- 7 In section 33— (a) in subsection (1), for the words...
- 8 In section 35(1)— (a) the words " any of sections...
- 9 In section 57(4) for paragraphs (a) and (b) there shall...
- 10 In section 59 subsections (1)(b) and (2) shall be omitted...

PART II — HOSPITAL ORDER WITH RESTRICTION ORDER, (SECTION 62) AND ORDERS OR DIRECTIONS HAVING THE LIKE EFFECT (SECTIONS 69, 70 AND 72)

- 1 Sections 53, 54, 56 and 58 shall apply in relation...
- 2 Section 22, 27, 28, 29, 55, 57 and 59 shall...
- 3 In section 22— (a) subsection (1) shall be omitted;
- 4 In section 27— (a) in subsection (1) after the word...
- 5 In section 28 subsections (3) and (4) shall be omitted....
- 6 In section 29— (a) in subsection (1) after the word...
- 7 In section 55 subsection (3) shall be omitted.
- 8 In section 57(4) for paragraphs (a) and (b) there shall...
- 9 In section 59, subsections (1)(b) and (2) shall be omitted...

PART III — GUARDIANSHIP ORDER (SECTION 61(2))

- 1 Sections 43, 44, 46, 48, 53, 55, 56 and 58...

- 2 Sections 41, 45, 47, 49, 50, 52, 57 and 59...
- 3 In section 41— (a) in subsection (1) for the words...
- 4 In section 45(1) and (3) for the words " guardianship...
- 5 In section 47— (a) in subsection (1) for the words...
- 6 In section 49(1) for the words " this Part" there...
- 7 In section 50— (a) in subsection (1) for the words...
- 8 In section 52(1)— (a) for the words " either of...
- 9 In section 57(4) for paragraphs (a) and (b) there shall...
- 10 In section 59(1)— (a) in subsection (1) paragraph (a) shall...

SCHEDULE 3 — Consequential Amendments

The Improvement of Land Act 1864 (c. 114)

- 1 In section 68 for the words " Mental Health (Scotland)...

The Colonial Prisoners Removal Act 1884 (c. 31)

- 2 In section 10(4)— (a) in paragraph (a) for the words...

Nursing Homes Registration (Scotland) Act 1938 (c. 73)

- 3 In section 10(1)(ii) for the words "Mental Health (Scotland) Act...

The Polish Resettlement Act 1947 (c. 19)

- 4 In section 11(3)(b) for the words " Mental Health (Scotland)...

The Army Act 1955 (c. 18)

- 5 In section 116(7) for the words " section 64 of...

The Air Force Act 1955 (c. 19)

- 6 In section 116(7) for the words " section 64 of...

The Naval Discipline Act 1957 (c. 53)

- 7 In section 71(6) for the words " section 64 of...

Local Government (Scotland) Act 1966 (c. 51)

- 8 In Part II of Schedule 4 in paragraph 25 for...

The Criminal Justice Act 1967 (c. 80)

- 9 In section 72— (a) in subsection (1)(b) for the words...

The Courts-Martial (Appeals) Act 1968 (c. 20)

- 10 In section 20(4) for the words " Part V of...
- 11 In section 23(1) for the words " Section 64 of...
- 12 In section 25(4) for the words " Mental Health (Scotland)...
- 13 In section 43(4) for the words " Mental Health (Scotland)...

The Social Work (Scotland) Act 1968 (c. 49)

- 14 In section 1(4)(b) for the words " Mental Health (Scotland)...

- 15 In section 16(3) for the words " Mental Health (Scotland)..."
 16 In section 46— (a) in subsection (1) for the words...
 17 In section 94(1)— (a) in the definition of " hospital"...

The Local Authority Social Services Act 1970 (c. 42)

- 18 In Schedule 1 for the words " Mental Health (Scotland)..."

Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 19 In section 18(2) for the words " section 6 of..."

The Guardianship Act 1973 (c. 29)

- 20 In section 10(7) for the words " Mental Health (Scotland)..."

Local Government (Scotland) Act 1973 (c. 65)

- 21 In section 64(5) for paragraph (bb) there shall be substituted...

The Rehabilitation of Offenders Act 1974 (c. 53)

- 22 In section 5(7) for the words " Part V of..."

The Criminal Procedure (Scotland) Act 1975 (c. 21)

- 23 In section 13— (a) in subsection (1)(b) for the words...
 24 In section 25(2) for the words " Part IV of...
 25 In section 174A(1) for the words " section 6(1) of...
 26 In section 175(1) for the words " 23(1)", " 25(1A)(a)"...
 27 In section 176(1) for the words " section 27 of...
 28 In section 178— (a) in subsection (1) for the words...
 29 In section 184— (a) in subsection (1) for the words...
 30 In section 322— (a) in subsection (1)(b) for the words...
 31 In section 330(2) for the words " Part IV of...
 32 In section 375(A)(1) for the words " section 6(1) of...
 33 In section 376(1) for the words " 23(1) ", "...
 34 In section 377(1) for the words "section 27 of the...
 35 In section 379— (a) in subsection (1) for the words...
 36 In section 385— (a) in subsection (1) for the words...
 37 In section 462— (a) in the definition of " hospital"...

The Adoption (Scotland) Act 1978 (c. 28)

- 38 In section 32(3)(c) for the words " section 23 of..."

The National Health Service (Scotland) Act 1978 (c. 29)

- 39 In section 100(1) for the words " Mental Health (Scotland)..."
 40 In section 102(1) for the words " Mental Health (Scotland)..."
 41 In section 108(1) in the definitions of " illness "...
 42 In paragraph 7 of Schedule 14, for the words "...

The Child Care Act 1980 (c. 5)

- 43 In section 79(5)(d) for the words "Mental Health (Scotland) Act..."

The Reserve Forces Act 1980 (c. 9)

44 In paragraph (2)(b) of Schedule 2 for the words "...

The Concessionary Travel for Handicapped Persons (Scotland) Act 1980 (c. 29)

45 In section 2(1)(a) for the words "Mental Health (Scotland) Act...

Solicitors (Scotland) Act 1980 (c. 46)

46 In section 18(1) for the words " Mental Health (Scotland)...

Tenants' Rights, Etc. (Scotland) Act 1980 (c.52)

47 In section 1(10)(o) for the words " section 89 of...

The Contempt of Court Act 1981 (c. 49)

48 In paragraph (10)(b) of Schedule 1 for the words "...

The Mental Health Act 1983 (c. 20)

49 In section 69(2)(a) for the words " section 73(2) of...

50 In section 79(1)(c) for the words " section 73(2) of...

51 In section 80, in subsections (4) and (7) for the...

52 In section 88(3)(a) for the words "Mental Health (Scotland) Act...

53 In section 90 for the words "Part VI of the...

54 In section 92(3) for the words " Part VI of...

55 In section 116(2) for the words "Mental Health (Scotland) Act...

56 In section 135— (a) in subsection (2) for the words...

SCHEDULE 4 — Transitional and Savings Provisions

1 Where, apart from this paragraph, anything done under or in...

2 Without prejudice to any express amendment by this Act, where...

3 Where any period of time specified in a repealed enactment...

4 (1) Nothing in this Act shall affect a repealed enactment...

5 This Act shall apply in relation to any authority for...

6 This Act shall apply to any application made before 30th...

7 Where on 30th September 1984 a person who has not...

8 This Act shall apply to any emergency recommendation or admission...

9 This Act shall apply in relation to any renewal of...

10 This Act shall apply in relation to the definition of...

11 (1) Section 98(3) of this Act shall not apply to...

12 In the case of a patient who is detained at...

13 Section 113 of this Act shall not apply in relation...

SCHEDULE 5 — Repeals

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