



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART IV

PRIVATE HOSPITALS

12 Registration of private hospitals

- (1) Every private hospital within the meaning of this Act shall be registered and the following provisions of this Part of this Act shall apply to the registration, conduct and inspection of such hospitals.
- (2) In this Act "private hospital" means any premises used or intended to be used for the reception of, and the provision of medical treatment for, one or more patients subject to detention under this Act (whether or not other persons are received and treated), not being—
 - (a) a hospital vested in the Secretary of State;
 - (b) a State hospital; or
 - (c) any other premises managed by a Government department or provided by a local authority.
- (3) Application for registration of premises as a private hospital shall be made in writing to the Secretary of State by or on behalf of the person proposing to carry on the hospital and the application shall be accompanied by a fee of £1.
- (4) Subject to section 13 of this Act, the Secretary of State may register the premises named in the application as a private hospital and issue to the person proposing to carry on the hospital a certificate in that behalf (in this Act referred to as "a certificate of registration").
- (5) A certificate of registration shall specify the maximum number of persons who at any one time may receive care or treatment in the hospital to which the certificate relates, and such conditions as the Secretary of State may consider appropriate for regulating the category of patients who may be received into the hospital.

- (6) A certificate of registration shall lapse on the expiration of a period of 5 years from the date of issue, but shall be renewable on a fresh application.
- (7) A certificate of registration shall be kept fixed conspicuously in the hospital to which it relates and if this requirement is not complied with the person carrying on the hospital shall be guilty of an offence under this Part of this Act.

13 Pre-requisites of registration

- (1) The Secretary of State shall not issue a certificate of registration unless he is satisfied—
 - (a) that the person proposing to carry on the hospital is a fit person for this purpose, having regard to his age, conduct and any other relevant consideration;
 - (b) that the premises are fit to be used for a private hospital;
 - (c) that neither the hospital nor any premises to be used in connection therewith consist of or include works executed in contravention of section 12(1) of the Health Services Act 1976;
 - (d) that the arrangements proposed for patients are suitable and adequate; and
 - (e) that the medical and nursing staff proposed is adequate for the hospital and is suitably trained and qualified.
- (2) Nothing in the foregoing provisions of this Part of this Act shall be construed as requiring the Secretary of State to issue a certificate of registration under section 12 of this Act.

14 Control of private hospitals

- (1) Any person carrying on a private hospital shall—
 - (a) keep the hospital open to inspection for the purposes of this section at all reasonable times ;
 - (b) keep such registers and records as the Secretary of State may from time to time by regulations prescribe, and keep such registers and records open to inspection;
 - (c) ensure that any conditions specified in the certificate of registration are complied with;
 - (d) afford to the Mental Welfare Commission all such facilities (including facilities for inspection of the hospital) as are necessary for the Commission to exercise their functions under this Act,and any person who fails to comply with any requirement of this subsection shall be guilty of an offence under this Part of this Act.
- (2) The Secretary of State shall ensure by regular inspection of any private hospital that that hospital is being properly carried on, and any person authorised in that behalf by the Secretary of State may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, enter any hospital for the purpose of any inspection in pursuance of this section and carry out that inspection.
- (3) Any person authorised under subsection (2) of this section may interview any patient in private.

15 Cancellation and continuance in certain circumstances of registration

- (1) Subject to the provisions of this section, the Secretary of State may, at any time, cancel a registration of a private hospital on any ground on which he might have refused an application for such a registration of that hospital, or on the ground that the person carrying on the hospital has been convicted of an offence under this Act.
- (2) On the cancellation of a registration, the person who is or was carrying on the hospital shall forthwith deliver up the certificate to the Secretary of State, and if this requirement is not complied with the holder of the certificate shall be guilty of an offence under this Part of this Act.
- (3) Where at the time of any cancellation of a registration under subsection (1) of this section any patient is liable to be detained on the premises concerned, the registration shall, notwithstanding the cancellation, continue in force until the expiration of a period of 28 days from the date of cancellation or until every such patient has ceased to be so liable, whichever first occurs.

16 Offences against this Part of this Act and penalties

- (1) If any person carries on a private hospital which is not registered under this Part of this Act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.
- (2) Any person guilty of an offence under this Part of this Act other than the offence specified in subsection (1) of this section shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds in respect of each day on which the offence continues after conviction.