



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART IX

PROTECTION OF PROPERTY OF PATIENTS

F1F292 Duties of local authority in relation to property.

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Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [S.S.I. 2005/161](#), art. 3 (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33, s. 263\(10\)\(c\), Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), art. 2(c), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4, s. 148\(1\), Sch. 9 para. 40](#); [S.I. 2009/1604](#), art. 2(d)

F1F293

Textual Amendments

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art. 16(2)) (see S.S.I. 2005/161, **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), **Sch. 28 paras. 50, 51**; S.S.I. 2005/604, **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), **Sch. 9 para. 40**; S.I. 2009/1604, **art. 2(d)**

F1F2 94 Powers of managers in relation to property of patients.

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Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)**, s. 333(2), **sch. 5 Pt. 1** (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); S.S.I. 2005/161, **art. 3** (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)
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95 Reciprocal arrangements in relation to Northern Ireland as to exercise of powers.

- (1) Where a curator bonis, tutor [^{F3}, guardian] or judicial factor has been appointed under the law in force in Scotland for any person suffering from mental disorder, the provisions of that law shall apply in relation to the property and affairs of that person in Northern Ireland unless [^{F4}he is a patient in relation to whom powers have been exercised under Part VIII of the Mental Health (Northern Ireland) Order 1986, or a person as to whom powers are exercisable and have been exercised under Article 97(2) of that Order].
- (2) [^{F5}Part VIII of the Mental Health (Northern Ireland) Order 1986 shall apply in relation to the property and affairs in Scotland of a patient in relation to whom powers have been exercised under that Part, or a person as to whom powers are exercisable and have been exercised under Article 97(2) of that Order, as it applies in relation to his property and affairs in Northern Ireland] unless a curator bonis, tutor [^{F6}, guardian] or judicial factor has been appointed for him in Scotland.
- (3) In this section references to property do not include references to land or interests in land:

Provided that this subsection shall not prevent the receipt of rent or other income arising from land or interests in land.

Textual Amendments

- F3** Word in s. 95(1) inserted (1.10.2003) by **Adults with Incapacity (Scotland) Act 2000 (asp 4)**, s. 89(2), **sch. 5 para. 17(23)(a)**; S.S.I. 2003/267, art. 2(2)(d)
- F4** Words substituted by S.I. 1986/596, **art. 3(16)**
- F5** Words substituted by S.I. 1986/596, **art. 3(17)**

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F6 Word in s. 95(2) inserted (1.10.2003) by [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\)](#), s. 89(2), [sch. 5 para. 17\(23\)\(b\)](#); S.S.I. 2003/267, art. 2(2)(d)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing [1968 c 20 s. 23](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11](#); [S.I. 2005/579](#), art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11](#); [S.I. 2005/579](#), art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11](#); [S.I. 2005/579](#), art. 3(i))
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- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11](#); [S.I. 2005/579](#), art. 3(i))
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Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 13\(1\)\(aa\)](#) inserted by [2000 asp 4 s. 38\(4\)](#)

Commencement Orders yet to be applied to the Mental Health (Scotland) Act 1984

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/1604 art. 2](#) commences ([2005 c. 4](#))