



# Mental Health (Scotland) Act 1984

## 1984 CHAPTER 36

### <sup>F1F2</sup>PART VI

#### DETENTION OF PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS ETC. AND TRANSFER OF PATIENTS UNDER SENTENCE

##### *Transfer to hospital or guardianship of prisoners et ceteralaetc.*

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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- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#),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- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch.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\(e\)](#), 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\(d\)](#)

**Changes to legislation:**

Mental Health (Scotland) Act 1984, Cross Heading: Transfer to hospital or guardianship of prisoners et cetera etc. is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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 Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11](#); [S.I. 2005/579, art. 3\(i\)](#))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 Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11](#); [S.I. 2005/579, art. 3\(i\)](#))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\(i\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 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\(i\)](#))
- 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\(i\)](#))
- Act power to 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\(i\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 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\(i\)](#))

**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](#))