
Status: Point in time view as at 01/02/1991.

Changes to legislation: Mental Health (Scotland) Act 1984, Part II is up to date with all changes known to be in force on or before 10 May 2024. 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. (See end of Document for details)

SCHEDULES

SCHEDULE 2

APPLICATION OF PROVISIONS OF PART V TO PATIENTS SUBJECT TO HOSPITAL OR GUARDIANSHIP ORDERS

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 to the patient without modification.
- 2 Section 22, 27, 28, 29, 55, 57 and 59 shall apply in relation to the patient with the modifications specified in paragraphs 3 to 9 of this Part of this Schedule.
- 3 In section 22—
 - (a) subsection (1) shall be omitted;
 - (b) in subsection (2) for the words “application under this Part” there shall be substituted the words “order or direction by virtue of which he is liable under Part VI of this Act to be detained” and paragraph (b) shall be omitted;
 - (c) subsections (3) and (4) shall be omitted.
- 4 In section 27—
 - (a) in subsection (1) after the word “may” there shall be inserted the words “with the consent of the Secretary of State”;
 - (b) in subsection (2) the word “either” and the words from “or from any specified period” to the end of the subsection shall be omitted; and
 - (c) in subsection (5) after the words “responsible medical officer” and after the words “that officer” there shall be inserted the words “or the Secretary of State”.
- 5 In section 28 subsections (3) and (4) shall be omitted.
- 6 In section 29—
 - (a) in subsection (1) after the word “may” there shall be inserted the words “with the consent of the Secretary of State” and paragraphs (b) and (c) shall be omitted;
 - (b) in subsection (3) for the words from “as follows” to the end of the subsection there shall be substituted the words “as if the order or direction by virtue of which he was liable under Part VI of this Act to be detained before being transferred were an order or direction for his admission or removal to the hospital to which he is transferred.”.
- 7 In section 55 subsection (3) shall be omitted.

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- 8 In section 57(4) for paragraphs (a) and (b) there shall be substituted the words “on the date when the patient ceases to be liable to be detained in pursuance of the order or direction by virtue of which he was liable under Part VI of this Act to be detained (otherwise than on being transferred in pursuance of section 29(1)(b) or (c) of this Act.)”.
- 9 In section 59, subsections (1)(b) and (2) shall be omitted.

Status:

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Changes to legislation:

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