
Status: Point in time view as at 01/02/1991.

Changes to legislation: Mental Health (Scotland) Act 1984, Part III is up to date with all changes known to be in force on or before 14 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 III

GUARDIANSHIP ORDER (SECTION 61(2))

- 1 Sections 43, 44, 46, 48, 53, 55, 56 and 58 shall apply in relation to the patient without modification.
- 2 Sections 41, 45, 47, 49, 50, 52, 57 and 59 shall apply in relation to the patient with the modifications specified in paragraphs 3 to 10 of this Part of this Schedule.
- 3 In section 41—
 - (a) in subsection (1) for the words “an application under this Part of this Act” and “the application” there shall be substituted the words “a guardianship order” and “the order” respectively; and
 - (b) in subsection (2) for the words from “Where” to “shall” and “named in the application” there shall be substituted the words “Where a guardianship order has been made in respect of a patient the order shall” and “named in the order” respectively.
- 4 In section 45(1) and (3) for the words “guardianship application” there shall be substituted the words “guardianship order”.
- 5 In section 47—
 - (a) in subsection (1) for the words “guardianship application” and “the day on which he was so received” there shall be substituted the words “guardianship order” and “the date of the order” respectively;
 - (b) in subsection (3) for the words “this Part” there shall be substituted the words “Part VI”.
- 6 In section 49(1) for the words “this Part” there shall be substituted the words “Part VI”.
- 7 In section 50—
 - (a) in subsection (1) for the words “this Part” there shall be substituted the words “Part VI”;
 - (b) in subsection (5) for the words “sections 47 or 51” there shall be substituted the words “section 47”; and
 - (c) subsection (6) shall be omitted.
- 8 In section 52(1)—

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- (a) for the words “either of sections 47 or 51” and “either of the said sections” there shall be substituted the words “section 47” and “the said section” respectively; and
 - (b) the words from “whether” to “both” shall be omitted.
- 9 In section 57(4) for paragraphs (a) and (b) there shall be substituted the words “on the date when the patient ceases to be subject to guardianship under this Act”.
- 10 In section 59(1)—
 - (a) in subsection (1) paragraph (a) shall be omitted; and
 - (b) in subsection (2) for paragraphs (a) and (b) there shall be substituted the words “to the local authority to whose guardianship he is subject or who approved his guardian.”.

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