



# Mental Health (Scotland) Act 1984

## 1984 CHAPTER 36

### PART III

#### LOCAL AUTHORITY SERVICES

#### [<sup>F1</sup>10 Welfare of certain hospital patients.

- (1) The provisions of this section shall apply to any patient suffering from mental disorder who is—
- <sup>F2</sup>(a) .....
  - <sup>F2</sup>(aa) .....
  - (b) a person who is under the guardianship of a local authority under <sup>F3</sup>... the provisions of the <sup>M1</sup>Mental Health Act 1983; or
  - (c) a person the functions of whose nearest relative <sup>F4</sup>... under the Mental Health Act 1983 are for the time being transferred to a local authority.
- (2) Where [<sup>F5</sup>, in Scotland, a patient to whom this section applies is (whether for treatment for mental disorder or for any other reason) admitted to any hospital or to accommodation provided by a care home service] then, without prejudice to their duties in relation to the patient apart from the provisions of this section, the authority having rights or functions in relation to him as aforesaid shall arrange for visits to be made to him on their behalf, and shall take such other steps in relation to the patient while in the hospital or [<sup>F6</sup>accommodation] as would be expected of a parent.]

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- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I.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- F2** S. 10(1)(a)(aa) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2),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

---

**Changes to legislation:** *Mental Health (Scotland) Act 1984, Section 10 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes*

---

- F3** Words in s. 10(1)(b) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2),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)
- F4** Words in s. 10(1)(c) 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)
- F5** Words in s. 10(2) substituted (S.) (1.4.2002) by [2001 asp 8](#), ss. 79, 81(2), Sch. 3 para. 11(3)(a); [S.S.I. 2002/162](#), **art. 2(f)(h)** (subject to arts. 3-13)
- F6** Words in s. 10(2) substituted (S.) (1.4.2002) by [2001 asp 8](#), ss. 79, 81(2), Sch. 3 para. 11(3)(b); [S.S.I. 2002/162](#), **art. 2(f)(h)** (subject to arts. 3-13)

---

### Marginal Citations

- M1** 1983 c. 20.

### Changes to legislation:

Mental Health (Scotland) Act 1984, Section 10 is up to date with all changes known to be in force on or before 22 April 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.

[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](#))