
Changes to legislation: Civil Partnership Act 2004, Cross Heading: Mental Health (Scotland) Act 1984 (c. 36) is up to date with all changes known to be in force on or before 20 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](#)

SCHEDULES

SCHEDULE 28

CONSEQUENTIAL AMENDMENTS: SCOTLAND

PART 4

MISCELLANEOUS AMENDMENTS

Mental Health (Scotland) Act 1984 (c. 36)

- 50 (1) Amend section 53 (definition of “relative” and “nearest relative”) as follows.
- (2) In subsection (1)(a), at the end insert “ or civil partner ”.
- (3) In subsection (4)—
- (a) in paragraph (b), for “or wife” substitute “ , wife or civil partner ” and after “spouse” insert “ or civil partner ”, and
 - (b) in paragraph (c), after “wife,” insert “ civil partner, ”.
- (4) After subsection (5) insert—
- “(5A) In this section “civil partner” includes a person who is living with the patient in a relationship which has the characteristics of the relationship between civil partners (or, if the patient is for the time being an in-patient in a hospital, was so living until the patient was admitted), and has been or had been so living for a period of not less than 6 months; but a person shall not be treated by virtue of this subsection as the nearest relative of a partner in a civil partnership unless the civil partner of the patient is disregarded by virtue of paragraph (b) of subsection (4) of this section.”
- (5) In subsection (6)(b)—
- (a) after “married patient” insert “ or of a partner in a civil partnership ”, and
 - (b) after “wife” insert “ , or as the case may be the civil partner, ”.
- 51 In section 54 (children and young persons in care of local authority), for “or wife” substitute “ , wife or civil partner ”.

Changes to legislation:

Civil Partnership Act 2004, Cross Heading: Mental Health (Scotland) Act 1984 (c. 36) is up to date with all changes known to be in force on or before 20 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:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)