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STATUTORY INSTRUMENTS

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**2005 No. 2078**

**The Mental Health (Care and Treatment) (Scotland)  
Act 2003 (Consequential Provisions) Order 2005**

**Mental health services provided by local authorities**

**14.**—(1) No services shall be provided under sections 25 to 27 of the 2003 Act to a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits)(1) applies solely—

- (a) because he is destitute; or
- (b) because of the physical effects, or anticipated physical effects, of his being destitute.

(2) Subsections (3) and (5) to (8) of section 95 of the Immigration and Asylum Act 1999, and paragraph 2 of Schedule 8 to that Act, apply for the purposes of paragraph (1) as they apply for the purposes of that section, but for the references in subsections (5) and (7) of that section and in that paragraph of that Schedule to the Secretary of State substitute references to a local authority.