

**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: The Adults with Incapacity (Scotland) Act 2000 (asp 4) is up to date with all changes known to be in force on or before 26 May 2023. 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*

## SCHEDULE 4 MINOR AND CONSEQUENTIAL AMENDMENTS

### *The Adults with Incapacity (Scotland) Act 2000 (asp 4)*

- 9 (1) The Adults with Incapacity (Scotland) Act 2000 shall be amended as follows.
- (2) In section 35(5) (definitions of certain expressions for the purposes of Part 4 of Act), for the words “who is liable to be detained there under the 1984 Act” substitute “whose detention there is authorised by virtue of the Criminal Procedure (Scotland) Act 1995 (c. 46) or the 2003 Act”.
- (3) In section 47(2) (authority in relation to medical treatment of incapable adult), after “section” insert “ and sections 234, 237, 240, 242, 243 and 244 of the 2003 Act ”.
- (4) In section 57 (application for guardianship order)—
- (a) in subsection (3)(a), for “a” where it second occurs substitute “ an approved ”; and
- (b) after subsection (6) insert—
- “(7) In subsection (3)(a), “approved medical practitioner” has the meaning given by section 22 of the 2003 Act.”.
- (5) In section 87(1) (interpretation)—
- (a) in the definition of “mental disorder”, for the words from “means” to the end substitute “ has the meaning given by section 328 of the 2003 Act ”;
- (b) after the definition of “mental disorder” insert—
- ““mental health officer” has the meaning given by section 329 of the 2003 Act;”;
- (c) in the definition of “Mental Welfare Commission”, for the words “section 2 of the 1984 Act” substitute “ section 4 of the 2003 Act ”;
- (d) in the definition of “nearest relative”, for the words from “means” to the end substitute “ has the meaning given by section 254 of the 2003 Act ”; and
- (e) after the definition of “the 1984 Act” insert—
- ““the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).”.

#### **Commencement Information**

- II** Sch. 4 para. 9 in force at 5.10.2005 by [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)

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**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. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)