

SCHEDULE 6

(introduced by section 332(1))

TRANSITORY AMENDMENTS OF THE MENTAL HEALTH (SCOTLAND) ACT 1984

- 1 Sections 33, 64 and 66 of the Mental Health (Scotland) Act 1984 (c. 36) shall, until their repeal by this Act, have effect as follows.
- 2 In section 33 (discharge of patients from hospital), in subsection (4)—
 - (a) after “is”, where secondly occurring, insert “not”; and
 - (b) in each of paragraphs (a) and (b) omit “not”.
- 3 In section 64 (appeal by patient subject to restriction order)—
 - (a) in subsection (1)—
 - (i) after “shall” insert “, subject to subsection (2) of this section,”;
 - (ii) after “is”, where first occurring, insert “not”;
 - (iii) in each of paragraphs (a) and (b) omit “not”;
 - (iv) omit “and (in either case)” and paragraph (c);
 - (b) in subsection (2)—
 - (i) for “(1)” substitute “(A1)”;
 - (ii) after “is”, where secondly occurring, insert “not”;
 - (iii) for the words from “not” to “subsection”, where thirdly occurring, substitute “is satisfied that it is appropriate for the patient to remain liable to be recalled to hospital for further treatment”.
- 4 In section 66 (further consideration of case of conditionally discharged patient) in subsection (3) after “is”, where first, secondly and thirdly occurring, insert “not”.