



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 4

HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

CHAPTER 1

HEALTH BOARD DUTIES

Services and accommodation: particular cases

24 [F¹Services and accommodation for mothers]

- (1) A Health Board shall provide for any woman who—
- (a) is the mother or adoptive mother of a child less than one year old;
 - (b) cares for the child;
 - (c) is not likely to endanger the health or welfare of the child; and
 - (d) has been admitted to hospital, whether voluntarily or not, for the purposes of receiving treatment [F²for—
 - (i) post-natal depression; or
 - (ii) a mental disorder (other than post-natal depression),]

such services and accommodation as are necessary to ensure that the woman is able, if she wishes, to care for the child in hospital.

[F³(1A) But a Health Board is required to provide services and accommodation under subsection (1) above only if it is satisfied that doing so would be beneficial to the wellbeing of the child.]

- (2) Each Health Board shall collaborate with other Health Boards to whatever extent is necessary to fulfil its duty under subsection (1) above.

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 24 is up to date with all changes known to be in force on or before 09 June 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*

Textual Amendments

- F1** S. 24 title substituted by virtue of (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 31(3)**, 61(2); [S.S.I. 2017/197](#), [art. 2](#), [sch.](#)
- F2** Words in s. 24(1)(d) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 31(2)(a)**, 61(2); [S.S.I. 2017/197](#), [art. 2](#), [sch.](#)
- F3** S. 24(1A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 31(2)(b)**, 61(2); [S.S.I. 2017/197](#), [art. 2](#), [sch.](#)

Commencement Information

- I1** S. 24 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](#))

Changes to legislation:

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 24 is up to date with all changes known to be in force on or before 09 June 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.

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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\(3\)](#)