



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

2003 asp 13

PART 18

MISCELLANEOUS

Code of practice

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- (1) The Scottish Ministers shall, in accordance with this section, draw up, give effect to and publish a code of practice giving guidance to any person discharging functions by virtue of this Act as to—
 - (a) the discharge of such of those functions; and
 - (b) such matters arising in connection with the discharge of those functions, as they think fit.
- (2) The Scottish Ministers shall, before giving effect to a code of practice drawn up under subsection (1) above—
 - (a) consult such persons as they think fit; and
 - (b) lay a draft of the code before the Scottish Parliament.
- (3) A code of practice drawn up under subsection (1) above shall be given effect by being—
 - (a) confirmed by order made; and
 - (b) brought into force on a day appointed, by the Scottish Ministers.
- (4) Any person discharging functions by virtue of this Act shall have regard (so far as they are applicable to the discharge of those functions by that person) to the provisions of any code of practice published under subsection (1) above for the time being in force.
- (5) The references in subsections (1) and (4) above to a person discharging functions by virtue of this Act do not include references to—

Status: This is the original version (as it was originally enacted).

- (a) any court;
 - (b) the Tribunal; and
 - (c) the Commission.
- (6) The Scottish Ministers may, from time to time, revise the whole or part of any code of practice published under subsection (1) above; and if a code is so revised, the Scottish Ministers shall publish the revised code.
- (7) Subsections (2) to (6) above apply to a code of practice revised under subsection (6) above as they apply to a code of practice published under subsection (1) above.