



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 1

#### THE 2003 ACT

##### *Suspension of orders and measures*

#### **10 Maximum suspension of particular measures**

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) In section 127 (suspension of measure authorising detention)—

(a) for subsection (2) there is substituted—

“(2) The total period that an order does not, by reason of certification under subsection (1) above, authorise the measure mentioned in section 66(1)(a) of this Act must not exceed 200 days within any period of 12 months (whenever counted from).”

(b) after subsection (2) there is inserted—

“(2A) For the purpose of subsection (2) above—

(a) a day does not count towards the total period if the measure is (by reason of such certification) not authorised for a period of 8 hours or less in that day,

(b) a single period (specified in such certification) of more than 8 hours and less than 24 hours, whether in one day or spanning two days, is to count as a whole day towards the total period.”

(3) In section 128 (suspension of other measures)—

(a) in each of subsections (1) and (2), for the words “3 months” there is substituted “90 days”,

(b) after subsection (2) there is inserted—

“(2A) A day is to count as a whole day towards the 90 days mentioned in subsection (2) above if any part of that day falls within the period mentioned in paragraph (a) or (b) of that subsection.”

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 10. (See end of Document for details)*

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(4) In section 224 (patients subject to certain other orders and directions: suspension of measure authorising detention)—

(a) for subsection (4) there is substituted—

“(4) The total period that an order or direction does not, by reason of certification under subsection (2) above, authorise the detention of a patient in hospital must not exceed 200 days within any period of 12 months (whenever counted from).”

(b) after subsection (4) there is inserted—

“(4A) For the purpose of subsection (4) above—

- (a) a day does not count towards the total period if the detention is (by reason of such certification) not authorised for a period of 8 hours or less in that day,
- (b) a single period (specified in such certification) of more than 8 hours and less than 24 hours, whether in one day or spanning two days, is to count as a whole day towards the total period.”. Specification of hospital units”.

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**Commencement Information**

**II** S. 10 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch. (with art. 9)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 10.