



# Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

## PART 3

### ILL-TREATMENT AND WILFUL NEGLECT

#### *Ill-treatment and wilful neglect of mentally disordered person*

#### **32 Penalty for ill-treatment and wilful neglect of mentally disordered person**

In section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (ill-treatment and wilful neglect of mentally disordered person)—

- (a) in subsection (3)(b), for “2” substitute “ 5 ”,
- (b) for subsection (4), substitute—

“(4) In subsection 1(c), “provides care services” means anything done—

- (a) by a care service,
- (b) by an employee of a care service, or
- (c) in the course of a service provided or supplied by a care service,

whether by virtue of a contract of employment or any other contract or in circumstances as may be prescribed by regulations.”,

- (c) after subsection (4), insert—

“(5) For the purposes of subsection (4), “care service” means a service mentioned in section 47(1)(a), (b), (d), (f), (g), (j) or (m) of the Public Services Reform (Scotland) Act 2010.”.

#### **Commencement Information**

**II** S. 32 in force at 1.10.2017 by [S.S.I. 2017/294](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Cross Heading: Ill-treatment and wilful neglect of mentally disordered person.