



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

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An Act to consolidate the Mental Health (Scotland) Act 1960. [12th July 1984]

^{X1F1F2}Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Editorial Information

- X1** A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33](#), s. 263(10)(c), [Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), art. 2(c), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4](#), s. 148(1), [Sch. 9 para. 40](#); [S.I. 2009/1604](#), art. 2(d)

Modifications etc. (not altering text)

- C1** Act modified by [Repatriation of Prisoners Act 1984 \(c. 47, SIF 39:1\)](#), s. 3, [Sch. para. 5\(3\)](#)
- C2** By [Criminal Justice Act 1991 \(c.53, SIF 39:1\)](#), s. 101(1), [Sch. 12 para. 23](#); [S.I. 1991/2208](#), art. 2(1), [Sch. 1](#) it is provided (14.10.1991) that in relation to any time before the commencement of s.70 of that 1991 Act (which came into force on 1.10.1992 by [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

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Commencement Information

II Act wholly in force at 30.9.1984 see s. 130

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^{F1F2}8 **Provision of after-care services.** **S**

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^{F1F2}9 **Appointment of mental health officers.** **S**

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Textual Amendments

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[^{F1}10 Welfare of certain hospital patients. E+W+S

- (1) The provisions of this section shall apply to any patient suffering from mental disorder who is—
- ^{F3}(a)
 - ^{F3}(aa)
 - (b) a person who is under the guardianship of a local authority under ^{F4}... the provisions of the ^{M1}Mental Health Act 1983; or
 - (c) a person the functions of whose nearest relative ^{F5}... under the Mental Health Act 1983 are for the time being transferred to a local authority.
- (2) Where [^{F6}, in Scotland, a patient to whom this section applies is (whether for treatment for mental disorder or for any other reason) admitted to any hospital or to accommodation provided by a care home service] then, without prejudice to their duties in relation to the patient apart from the provisions of this section, the authority having rights or functions in relation to him as aforesaid shall arrange for visits to be made to him on their behalf, and shall take such other steps in relation to the patient while in the hospital or [^{F7}accommodation] as would be expected of a parent.]

Textual Amendments

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- F3** S. 10(1)(a)(aa) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), art. 3)
- F4** Words in s. 10(1)(b) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), art. 3)
- F5** Words in s. 10(1)(c) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), art. 3)
- F6** Words in s. 10(2) substituted (S.) (1.4.2002) by [2001 asp 8](#), ss. 79, 81(2), [Sch. 3 para. 11\(3\)\(a\)](#); [S.S.I. 2002/162](#), [art. 2\(f\)\(h\)](#) (subject to [arts. 3-13](#))
- F7** Words in s. 10(2) substituted (S.) (1.4.2002) by [2001 asp 8](#), ss. 79, 81(2), [Sch. 3 para. 11\(3\)\(b\)](#); [S.S.I. 2002/162](#), [art. 2\(f\)\(h\)](#) (subject to [arts. 3-13](#))

Marginal Citations

- M1** 1983 c. 20.

[^{F1F2}11 The training and occupation of the mentally handicapped. S

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1

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51 **S**

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74 Further provision as to transfer directions and restriction directions. S

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81A Transfer of responsibility for patients to Scotland from Northern Ireland. S+N.I.

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F1F293 **S**

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F1F294 **Powers of managers in relation to property of patients.** **S**

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- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by **The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078)**, art. 1(2), **Sch. 3** (with art. 16(2)) (see S.S.I. 2005/161, **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), **Sch. 28 paras. 50, 51**; S.S.I. 2005/604, **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), **Sch. 9 para. 40**; S.I. 2009/1604, **art. 2(d)**

95 Reciprocal arrangements in relation to Northern Ireland as to exercise of powers. **S+N.I.**

- (1) Where a curator bonis, tutor [F8, guardian] or judicial factor has been appointed under the law in force in Scotland for any person suffering from mental disorder, the provisions of that law shall apply in relation to the property and affairs of that person in Northern Ireland unless [F9 he is a patient in relation to whom powers have been exercised under Part VIII of the Mental Health (Northern Ireland) Order 1986, or a person as to whom powers are exercisable and have been exercised under Article 97(2) of that Order].

Changes to legislation: Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force on or before 29 April 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

- (2) [^{F10}Part VIII of the Mental Health (Northern Ireland) Order 1986 shall apply in relation to the property and affairs in Scotland of a patient in relation to whom powers have been exercised under that Part, or a person as to whom powers are exercisable and have been exercised under Article 97(2) of that Order, as it applies in relation to his property and affairs in Northern Ireland] unless a curator bonis, tutor [^{F11}, guardian] or judicial factor has been appointed for him in Scotland.
- (3) In this section references to property do not include references to land or interests in land:

Provided that this subsection shall not prevent the receipt of rent or other income arising from land or interests in land.

Textual Amendments

F8 Word in s. 95(1) inserted (1.10.2003) by [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\), s. 89\(2\), sch. 5 para. 17\(23\)\(a\)](#); S.S.I. 2003/267, art. 2(2)(d)

F9 Words substituted by S.I. 1986/596, [art. 3\(16\)](#)

F10 Words substituted by S.I. 1986/596, [art. 3\(17\)](#)

F11 Word in s. 95(2) inserted (1.10.2003) by [Adults with Incapacity \(Scotland\) Act 2000 \(asp 4\), s. 89\(2\), sch. 5 para. 17\(23\)\(b\)](#); S.S.I. 2003/267, art. 2(2)(d)

^{F1F2}**PART X S**

CONSENT TO TREATMENT

96 Preliminary. S

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97 Treatment requiring consent and a second opinion. S

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98 Treatment requiring consent or a second opinion. S

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99 Review of treatment. S

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100 Plans of treatment. S

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101 Withdrawal of consent. S

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Changes to legislation: Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force on or before 29 April 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

102 Urgent treatment. S

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103 Treatment not requiring consent. S

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PART XI S

MISCELLANEOUS AND GENERAL

F1F2 Offences

104 False statements. S

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105 Ill-treatment of patients. S

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106 Protection of mentally handicapped females. S

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107 Protection of patients. S

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108 Assisting patients to absent themselves without leave etc. U.K.

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109 Obstruction. S

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F1F2 Miscellaneous provisions

110 Duty to give information to patients and nearest relatives. S

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111 Duty of managers to inform nearest relative of discharge of detained patients. S

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Changes to legislation: Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force on or before 29 April 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

- 112 Religious persuasion of patients. S**
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- 113 Duty of sheriff to give patient opportunity to be heard. S**
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- 114 Provision for personal expenses of in-patients in hospital. S**
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- 115 Correspondence of patients. S**
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- 116 Review of decision to withhold postal packet. S**
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- 117 Entry on premises and warrant to search for and remove patients. S**
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- 118 Mentally disordered persons found in public places. S**
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- 119 Code of practice. S**
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- ^{F1F2}**120 Provisions as to custody, conveyance and detention. U.K.**
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Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with [art. 16\(2\)](#)) (see S.S.I. 2005/161, [art. 3](#)); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33](#), s. 263(10)(c), [Sch. 28 paras. 50, 51](#); S.S.I. 2005/604, [art. 2\(c\)](#), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4](#), s. 148(1), [Sch. 9 para. 40](#); S.I. 2009/1604, [art. 2\(d\)](#)

Changes to legislation: Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force on or before 29 April 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

F1F2 121 Retaking of patients escaping from custody. U.K.

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), **Sch. 3** (with art. 16(2)) (see [S.S.I. 2005/161](#), **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33, s. 263\(10\)\(c\), Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4, s. 148\(1\), Sch. 9 para. 40](#); [S.I. 2009/1604](#), **art. 2(d)**

F1F2 121A Warrants for arrest of escaped mental patients. U.K.

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), **Sch. 3** (with art. 16(2)) (see [S.S.I. 2005/161](#), **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33, s. 263\(10\)\(c\), Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4, s. 148\(1\), Sch. 9 para. 40](#); [S.I. 2009/1604](#), **art. 2(d)**

F1F2 122 Protection for acts done in pursuance of this Act. U.K.

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), **Sch. 3** (with art. 16(2)) (see [S.S.I. 2005/161](#), **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33, s. 263\(10\)\(c\), Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4, s. 148\(1\), Sch. 9 para. 40](#); [S.I. 2009/1604](#), **art. 2(d)**

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F1F2 123 Inquiries. **S**

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), [art. 3](#)); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33](#), s. 263(10)(c), [Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), [art. 2\(c\)](#), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4](#), s. 148(1), [Sch. 9 para. 40](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

F1F2 124 General provisions as to regulations and orders. **S**

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), [art. 3](#)); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33](#), s. 263(10)(c), [Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), [art. 2\(c\)](#), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4](#), s. 148(1), [Sch. 9 para. 40](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

F1F2 125 Interpretation. **U.K.**

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), [art. 3](#)); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33](#), s. 263(10)(c), [Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), [art. 2\(c\)](#), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4](#), s. 148(1), [Sch. 9 para. 40](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

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F1F2 **126 Preservation of amendments.** **S**

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), **Sch. 3** (with art. 16(2)) (see [S.S.I. 2005/161](#), **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33, s. 263\(10\)\(c\), Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4, s. 148\(1\), Sch. 9 para. 40](#); [S.I. 2009/1604](#), **art. 2(d)**

F1F2 **127 Consequential and transitional provisions and repeals.** **U.K.**

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), **Sch. 3** (with art. 16(2)) (see [S.S.I. 2005/161](#), **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33, s. 263\(10\)\(c\), Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4, s. 148\(1\), Sch. 9 para. 40](#); [S.I. 2009/1604](#), **art. 2(d)**

F1F2 **128 Application to England and Wales.** **S**

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), **Sch. 3** (with art. 16(2)) (see [S.S.I. 2005/161](#), **art. 3**); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33, s. 263\(10\)\(c\), Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), **art. 2(c)**, 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4, s. 148\(1\), Sch. 9 para. 40](#); [S.I. 2009/1604](#), **art. 2(d)**

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^{F1F2}129 Application to Northern Ireland. **S**

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Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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)
- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2), [Sch. 3](#) (with art. 16(2)) (see [S.S.I. 2005/161](#), [art. 3](#)); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by [2004 c. 33](#), s. 263(10)(c), [Sch. 28 paras. 50, 51](#); [S.S.I. 2005/604](#), [art. 2\(c\)](#), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by [2005 c. 4](#), s. 148(1), [Sch. 9 para. 40](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

^{F1}130 Short title and commencement. **U.K.**

This Act may be cited as the Mental Health (Scotland) Act 1984 and shall come into force on 30th September 1984.]

Textual Amendments

- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465](#), art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in [S.S.I. 2005/452](#)); [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 (Scotland) Act 1984 is up to date with all changes known to be in force on or before 29 April 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*

SCHEDULES

^{F1F2}SCHEDULE 1 **S**

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^{F1F2}SCHEDULE 2 **U.K.**

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^{F1F2}SCHEDULE 3 **S**

Section 127(1).

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^{F1F2}SCHEDULE 4 **S**

Section 127(1).

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^{F1F2}SCHEDULE 5 **U.K.**

Section 127(2).

REPEALS

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Changes to legislation:

Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force on or before 29 April 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 :

- s. 7(4) substituted by [2002 c. 41 s. 46\(4\)](#) (S. 46 is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 8(5) substituted by [2002 c. 41 s. 46\(5\)](#) (S. 46 is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 55(3) words substituted by [2000 asp 4 Sch. 5 para. 17\(22\)](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 17(22) repealed (5.10.2005) without ever being in force by 2003 asp 13, ss. 331(2), 333(3), Sch. 5 Pt. 1; S.I. 2005/161, art. 3)
- s. 125(1) words inserted by [2000 asp 4 Sch. 5 para. 17\(24\)\(b\)](#)
- s. 125(1) words substituted by [2000 asp 4 Sch. 5 para. 17\(24\)\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing 1968 c 20 s. 23) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 s. 63) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 19 s. 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 18 s 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 s. 63) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 19 s. 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 18 s 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(1)(aa) inserted by [2000 asp 4 s. 38\(4\)](#)

Commencement Orders yet to be applied to the Mental Health (Scotland) Act 1984

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/1604 art. 2](#) commences (2005 c. 4)