

**2005 No. 417**

**MENTAL HEALTH**

**The Mental Health (Care and Treatment) (Scotland) Act 2003  
(Code of Practice) Order 2005**

<i>Made</i>	- - - -	<i>18th August 2005</i>
<i>Laid before the Scottish Parliament</i>		<i>24th August 2005</i>
<i>Coming into force</i>	- -	<i>5th October 2005</i>

Whereas in pursuance of section 274(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003(a) (hereinafter referred to as “the Act”), the Scottish Ministers are under a duty to draw up, give effect to and publish a code of practice giving guidance to any person discharging functions under the Act;

And whereas in pursuance of section 274(2) of the Act the Scottish Ministers consulted such persons as they thought fit and laid a draft of the code before the Scottish Parliament;

Now therefore, the Scottish Ministers, in exercise of the powers conferred by section 274(3) of the Act, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Mental Health (Care and Treatment) (Scotland) Act 2003 (Code of Practice) Order 2005 and shall come into force on 5th October 2005.

**Code of Practice**

2. The code of practice entitled “Mental Health (Care and Treatment) (Scotland) Act 2003: Code of Practice” issued by the Scottish Ministers and laid in draft before the Scottish Parliament on 1st July 2005 shall come into force on 5th October 2005.

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
18th August 2005

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 5th October 2005 the code of practice issued under section 274 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which gives guidance to persons discharging functions under that Act. Any person discharging functions under that Act shall have regard (so far as they are applicable to the discharge of those functions by that person) to the provisions of the code.

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