

SCHEDULE

MODIFICATION OF SUBORDINATE LEGISLATION

Community Care (Direct Payments) (Scotland) Regulations 2003 (S.S.I. 2003/243)

45.—(13) The Community Care (Direct Payments) (Scotland) Regulations 2003(1) are amended as follows.

(1) In regulation 1(2) (citation, commencement, interpretation and extent)–

(a) omit the definition of “the 1984 Act”; and

(b) after the definition of “the 2000 Act” insert–

““the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003;”.

(2) In regulation 2 (description of persons specified for the purposes of section 12B(1) of the Act)–

(a) omit paragraph (d); and

(b) for paragraphs (e) and (f) substitute–

“(e) a person who is subject to–

(i) a compulsory treatment order made under section 64(4)(a) (powers of Tribunal on application under section 63: compulsory treatment order) of the 2003 Act that authorises the measure mentioned in section 66(1)(a) (measures that may be authorised) and in respect of which a certificate has been granted under section 127(1) (suspension of measure authorising detention); or

(ii) a compulsion order made under section 57A(2) (compulsion order) of the 1995 Act that authorises the measure mentioned in section 57A(8)(a) of that Act and in respect of which a certificate has been granted under section 127(1) (suspension of measure authorising detention) of the 2003 Act as applied by section 179(1) (suspension of measures) of that Act;

(iii) an emergency detention certificate granted under section 36(1) of the 2003 Act in respect of which a certificate has been granted under section 41(1) of that Act; or

(iv) a short term detention certificate granted under section 44(1) of the 2003 Act in respect of which a certificate has been granted under section 53(1);

(f) a person who is subject to a compulsion order made under section 57A(2) (compulsion order) of the 1995 Act and a restriction order made under section 59 (restriction order) of that Act who has been conditionally discharged in accordance with section 193(7) (powers of the Tribunal on reference under section 185(1), 187(2) or 189(2) on application under section 191 or 192(2)) of the 2003 Act;”.

(c) in paragraph (g), for “58(1) or 58(1)” substitute “57A(2) or 57A(2)”.