
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 452

**The Mental Health (Care and Treatment) (Scotland) Act
2003 (Transitional and Savings Provisions) Order 2005**

PART 6

HOSPITAL DIRECTIONS

Hospital directions

25.—(1) Notwithstanding section 213(6) of the 2003 Act, the relevant day in respect of a hospital direction patient is the day which falls 2 years after the day when the hospital direction was made or the anniversary of that day, whichever falls in the period of 12 months prior to 5th October 2005.

(2) Where a hospital direction patient has made an appeal under section 63 of the 1984 Act that patient shall be treated—

- (a) where the appeal was made in any period of 12 months beginning with the date of the hospital direction under which that patient was detained, as if an application had been made to the Tribunal under section 214 of the 2003 Act in the period mentioned in section 214(6)(a); or
- (b) where the appeal was made in any subsequent period of 12 months, as if an application had been made to the Tribunal under section 214 of the 2003 Act in the period mentioned in section 214(6)(b).

(3) The authority conferred by section 62A(1) of the 1984 Act shall continue to have effect in respect of any hospital direction patient until that patient has been conveyed to hospital.

(4) Any directions given before 5th October 2005 under section 62A(3) of the 1984 Act shall be deemed to have been made under section 59C of the 1995 Act.