

## SCHEDULE 2

### MODIFICATIONS RELATING TO HEALTHCARE IMPROVEMENT SCOTLAND

#### PART 1

#### MODIFICATIONS OF PRIMARY LEGISLATION

##### ***Adults with Incapacity (Scotland) Act 2000 (asp 4)***

5.—(1) The Adults with Incapacity (Scotland) Act 2000(1) is amended as follows.

(2) In section 35 (application of Part 4)—

(a) in subsection (3)(b)(2), after “Public Services Reform (Scotland) Act 2010 (asp 8)” insert “or section 10P(1) of the National Health Service (Scotland) Act 1978, as the case may be”; and

(b) in subsection (6)(3) after paragraph (a) insert—

“(b) the National Health Service (Scotland) Act 1978 (c.29) have the same meanings in that subsection as in that Act.”.

(3) In section 40(1)(a)(4) (supervisory bodies) after paragraph (i) insert—

“(ii) registered under the National Health Service (Scotland) Act 1978, Healthcare Improvement Scotland;”.

(4) After paragraph 1(d) of Schedule 1(5) (managers of an establishment) insert—

“;

(e) in relation to an independent hospital or private psychiatric hospital (as defined in section 10F(2) of the National Health Service (Scotland) Act 1978 (c.29)), the person identified under section 10P(2)(b) of that Act in the application for registration of the service.”.

#### **Commencement Information**

**II** Sch. 2 para. 5 in force at 1.4.2011, see [art. 1](#)

(1) [2000 asp 4](#).

(2) Section 35(3)(b) was amended by the 2001 Act, schedule 3, paragraph 23(2)(c).

(3) Section 35(6) was inserted by the 2001 Act, schedule 3, paragraph 23(2)(d).

(4) Section 40(1)(a) was amended by the 2001 Act, schedule 3, paragraph 23(3)(a).

(5) Schedule 1 was relevantly amended by the 2001 Act, schedule 3, paragraph 23(6).

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, Paragraph 5.