



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART III

LOCAL AUTHORITY SERVICES

7 Functions of local authorities

- (1) In relation to persons who are or have been suffering from mental disorder a local authority may, with the approval of the Secretary of State and shall, to such extent as he may direct, make arrangements for any of the following purposes—
 - (a) the provision, equipment and maintenance of residential accommodation, and the care of persons for the time being resident in accommodation so provided;
 - (b) the exercise by the local authority of their functions under the following provisions of this Act in respect of persons under guardianship (whether under the guardianship of a local authority or of any other person);
 - (c) the provision of any ancillary or supplementary services ;
 - (d) the supervision of persons suffering from mental handicap who are neither liable to detention in a hospital nor subject to guardianship.
- (2) The reference in subsection (1)(a) of this section to the care of persons for the time being resident in accommodation provided by a local authority includes, in the case of persons so resident who are under the age of 16 years, the payment to those persons of such amounts as the local authority think fit in respect of their personal expenses where it appears to that authority that no such payment would otherwise be made.

8 Provision of after-care services

- (1) A local authority shall provide after-care services for any persons who are or have been suffering from mental disorder.
- (2) In providing after-care services under subsection (1) of this section a local authority shall co-operate with such health board or boards and such voluntary organisations as appear to the local authority to be concerned.

Status: This is the original version (as it was originally enacted).

- (3) The duty imposed by this section is without prejudice to any other power or duty which a local authority may have in relation to the provision of after-care services.

9 Appointment of mental health officers

- (1) A local authority shall appoint a sufficient number of persons for the purpose of discharging in relation to their area the functions of mental health officers under this Act.
- (2) Any officer appointed by a local authority to act as a mental health officer after the date of coming into force of section 64(4) of the Local Government (Scotland) Act 1973 (that is to say, 16th May 1975) but before 16th August 1983 shall be deemed to have been appointed under subsection (1) of this section as if that subsection and section 64(5)(bb) of the said Act of 1973 had come into force on 16th May 1975.
- (3) On and after a day appointed by the Secretary of State by order, no person shall be appointed to act as a mental health officer under subsection (1) of this section unless he is approved by the local authority as having competence in dealing with persons who are suffering from mental disorder; and before appointing a person to act as a mental health officer, a local authority shall—
- (a) ensure that the person has such qualifications, experience and competence in dealing with persons suffering from mental disorder; and
 - (b) have regard to such other matters,
- as the Secretary of State may direct.
- (4) No person appointed to act as a mental health officer before the appointed day shall continue so to act on or after the appointed day unless—
- (a) he is approved by the local authority as having competence in dealing with persons who are suffering from mental disorder; and
 - (b) the local authority are satisfied that he has such qualifications, experience and competence in dealing with persons who are suffering from mental disorder as the Secretary of State may direct.

10 Welfare of certain hospital patients

- (1) The provisions of this section shall apply to any patient suffering from mental disorder who is—
- (a) a child or young person in respect of whom the rights and powers of a parent are vested in a local authority by virtue of—
 - (i) section 17 of the Social Work (Scotland) Act 1968; or
 - (ii) section 3 of the Child Care Act 1980 (which relates to the assumption by a local authority of parental rights and duties in relation to a child in their care); or
 - (iii) section 10 of the said Act of 1980 (which relates to the powers and duties of local authorities in England and Wales with respect to persons committed to their care);
 - (b) a person who is under the guardianship of a local authority under the following provisions of this Act or under the provisions of the Mental Health Act 1983 ;
or
 - (c) a person the functions of whose nearest relative under this Act or under the Mental Health Act 1983 are for the time being transferred to a local authority.

- (2) Where a patient to whom this section applies is admitted to any hospital or nursing home in Scotland (whether for treatment for mental disorder or for any other reason) 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 nursing home as would be expected of a parent.

11 The training and occupation of the mentally handicapped

- (1) Without prejudice to the operation of section 1 of the Education (Scotland) Act 1980 (which among other things imposes a duty on education authorities to provide educational facilities for pupils who suffer from disability of mind) it shall be the duty of the local authority to provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age within the meaning of the Education (Scotland) Act 1980:

Provided that this subsection shall not apply in the case of a person in a hospital.

- (2) A local authority shall make such provision as they may think necessary for securing that transport is available for the conveyance of persons for the purpose of their training and occupation under this section; and accordingly section 45 of the National Health Service (Scotland) Act 1978 (which relates to the provision by the Secretary of State of ambulances and other means of transport), shall not have effect in relation to the conveyance of persons as aforesaid.
- (3) Where a local authority makes arrangements with any voluntary organisation for the performance by that organisation of any services in connection with the duties of the local authority under this section, the local authority may make contributions to the funds of that voluntary organisation.