

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Mental Health (Scotland) Act 1984, Part I is up to date with all changes known to be in force on or before 29 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### APPLICATION OF PROVISIONS OF PART V TO PATIENTS SUBJECT TO HOSPITAL OR GUARDIANSHIP ORDERS

##### PART I

HOSPITAL ORDER WITHOUT RESTRICTION ORDER (SECTION 60(1));  
TRANSFER FROM PRISON WITHOUT RESTRICTION (SECTION 71).

- 1 Sections 27, 31, [F1 to 31B,]32, [F2 35A,] 53, 54, 55, 56 and 58 shall apply in relation to the patient without modification.

##### Extent Information

E1 For extent of Sch. 2, see ss. 128, 129

##### Textual Amendments

F1 Words in Sch. 2 para. 1 inserted (1.4.1996) by 1995 c. 52, ss. 5(11)(a), 7(2)

F2 Words in Sch. 2 para. 1 inserted (1.4.1996) by 1995 c. 52, ss. 4(2), 7(2), Sch. 2, para. 5(a)

- 2 Sections 22, 28, 29, 30, 33, 35, [F3 35B,] 57 and 59 shall apply in relation to the patient with the modifications specified in paragraphs 3 to 10 of this Part of this Schedule.

##### Extent Information

E2 For extent of Sch. 2, see ss. 128, 129

##### Textual Amendments

F3 Words in Sch. 2, para. 2 inserted (1.4.1996) by 1995 c. 52, ss. 4(2), 7(2), Sch. 2, para. 5(b)

- 3 In section 22—
- (a) subsection (1) shall be omitted; and
  - (b) in subsection (2) for the reference to an application for admission there shall be substituted a reference to the order or direction by virtue of which the patient is liable under Part VI of this Act to be detained.
- 4 In section 28 subsection (4) shall be omitted.
- 5 In section 29(3) for the words from “as follows” to the end of the subsection there shall be substituted the words “as if the order or direction by virtue of which he was liable under Part VI of this Act to be detained before being transferred were an order or direction for his admission or removal to the hospital to which he is transferred.”.

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- 6 In section 30—
- (a) in subsection (1), for the words “an application for admission” and “day on which he was so admitted” there shall be substituted the words “an order or direction by virtue of which he is liable under Part VI of this Act to be detained” and “date of the relevant order or direction” respectively; and
  - (b) in subsection (3), for the words “this Part” there shall be substituted the words “Part VI”.
- 7 In section 33—
- (a) in subsection (1), for the words “this Part” there shall be substituted the words “Part VI”;
  - (b) in subsection (4), for “26, [<sup>F4</sup>26A,]30 or 34” there shall be substituted “30”; and
  - (c) in subsection (5) the words “by the nearest relative of the patient or” shall be omitted. [<sup>F5</sup>; and
  - (d) subsection (7) shall be omitted]

#### Textual Amendments

- F4** Word in Sch. 2 Pt. I para. 7(b) inserted (9.3.1992) by [Mental Health \(Detention\) \(Scotland\) Act 1991 \(c. 47, SIF 85\)](#), s. 3(6)(a)(i); S.I. 1992/357, art.2
- F5** Sch. 2 Pt. I para. 7(d) and word “; and” preceding it inserted (9.3.1992) by [Mental Health \(Detention\) \(Scotland\) Act 1991 \(c. 47, SIF 85\)](#), s. 3(6)(a)(ii); S.I. 1992/357, art.2

- 8 In section 35(1)—
- (a) the words “any of sections 26, 30 or 34 of” shall be omitted;
  - (b) for the words “any of the said sections” there shall be substituted the words “Part V of this Act”; and
  - (c) the words from “whether” to “both” shall be omitted.
- [<sup>F6</sup>8A In section 35B(1) for the words “an application for admission” there shall be substituted the words “an order or direction by virtue of which he is liable under Part VI of this Act to be detained.”]

#### Textual Amendments

- F6** Sch. 2 para. 8A inserted (1.4.1996) by [1995 c. 52, s. 4\(2\)](#), [Sch. 2 para. 5\(e\)](#)

- 9 In section 57(4) for paragraphs (a) and (b) there shall be substituted the words “on the date when the patient ceases to be liable to be detained in pursuance of the order or direction by virtue of which he was liable under Part VI of this Act to be detained (otherwise than on being transferred in pursuance of section 29(1)(b) or (c) of this Act.”.
- 10 In section 59 subsections (1)(b) [<sup>F7</sup>,(2) and (4)]shall be omitted.

#### Textual Amendments

- F7** Words in Sch. 2 Pt. I para. 10 substituted (9.3.1992) by [Mental Health \(Detention\) \(Scotland\) Act 1991 \(c. 47, SIF 85\)](#), s. 3(6)(a)(iii); S.I. 1992/357, art.2

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