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## SCHEDULES

### SCHEDULE 3

Section 127(1).

#### CONSEQUENTIAL AMENDMENTS

##### *The Improvement of Land Act 1864 (c. 114)*

- 1 In section 68 for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

##### *The Colonial Prisoners Removal Act 1884 (c. 31)*

- 2 In section 10(4)—
- (a) in paragraph (a) for the words “section sixty-four of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 69 of the Mental Health (Scotland) Act 1984”; and
  - (b) in paragraph (b) for the words “sixty-six” and “sixty-seven” there shall be substituted “71” and “72” respectively.

##### *Nursing Homes Registration (Scotland) Act 1938 (c. 73)*

- 3 <sup>F1</sup> .....

#### **Annotations:**

#### **Amendments (Textual)**

- F1** Sch. 3 para. 3 repealed (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 11(9); S.S.I. 2002/162, art. 2(f)(h) (subject to arts. 3-13)

##### *The Polish Resettlement Act 1947 (c. 19)*

- 4 In section 11(3)(b) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

##### *The Army Act 1955 (c. 18)*

- 5 In section 116(7) for the words “section 64 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 69 of the Mental Health (Scotland) Act 1984”.

##### *The Air Force Act 1955 (c. 19)*

- 6 In section 116(7) for the words “section 64 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 69 of the Mental Health (Scotland) Act 1984”.

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*The Naval Discipline Act 1957 (c. 53)*

- 7 In section 71(6) for the words “section 64 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 69 of the Mental Health (Scotland) Act 1984”.

*Local Government (Scotland) Act 1966 (c. 51)*

- 8 In Part II of Schedule 4 in paragraph 25 for the words “section 15(4) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Section 12(3) of the Mental Health (Scotland) Act 1984”.

*The Criminal Justice Act 1967 (c. 80)*

- 9 In section 72—
- (a) in subsection (1)(b) for the words “section 36 or 106 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 28, 44 or 121 of the Mental Health (Scotland) Act 1984”;
  - (b) in subsection (3) for the words “section 105 of the Mental Health (Scotland) Act 1960” and “1960” there shall be substituted the words “section 120 of the Mental Health (Scotland) Act 1984” and “1984” respectively; and
  - (c) in subsection (4) for the words “Part V of the Mental Health (Scotland) Act 1960” and “or 1960” there shall be substituted the words “Part VI of the Mental Health (Scotland) Act 1984” and “or Part VI of the said Act of 1984” respectively.

*The Courts-Martial (Appeals) Act 1968 (c. 20)*

- 10 In section 20(4) for the words “Part V of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part VI of the Mental Health (Scotland) Act 1984”.
- 11 In section 23(1) for the words “Section 64 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 69 of the Mental Health (Scotland) Act 1984”.
- 12 In section 25(4) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 13 In section 43(4) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

*The Social Work (Scotland) Act 1968 (c. 49)*

- 14 In section 1(4)(b) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 15 In section 16(3) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 16 In section 46—
- (a) in subsection (1) for the words “Part IV of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part V of the Mental Health (Scotland) Act 1984”; and

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- (b) in subsection (2) for the words “section 23(3) of the said Act of 1960” there shall be substituted the words “section 17(2) of the said Act of 1984”.

17 In section 94(1)—

- (a) in the definition of “hospital” for the words “Mental Health (Scotland) Act 1960” and “Part VII of the said Act of 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984” and “Part VIII of the said Act of 1984” respectively;
- (b) in the definition of “mental disorder” for the words “section 6 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 1(2) of the Mental Health (Scotland) Act 1984”; and
- (c) in the definition of “mental health officer” for the words “said Act of 1960” there shall be substituted the words “said Act of 1984”.

*The Local Authority Social Services Act 1970 (c. 42)*

18 In Schedule 1 for the words “Mental Health (Scotland) Act 1960 (c.61.)” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

19 In section 18(2) for the words “section 6 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 1(2) of the Mental Health (Scotland) Act 1984”.

*The Guardianship Act 1973 (c. 29)*

20 In section 10(7) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

*Local Government (Scotland) Act 1973 (c. 65)*

21 In section 64(5) for paragraph (bb) there shall be substituted the following paragraph—

- “(bb) section 9 of the Mental Health (Scotland) Act 1984 (appointment of mental health officers);”.

*The Rehabilitation of Offenders Act 1974 (c. 53)*

22 In section 5(7) for the words “Part V of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part VI of the Mental Health (Scotland) Act 1984”.

*The Criminal Procedure (Scotland) Act 1975 (c. 21)*

23 In section 13—

- (a) in subsection (1)(b) for the words “section 36 or 106 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 28, 44 or 121 of the Mental Health (Scotland) Act 1984”;
- (b) in subsection (3) for the words “section 105 of the Mental Health (Scotland) Act 1960” and “1960” where it second appears there shall be substituted the

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- words “section 120 of the Mental Health (Scotland) Act 1984” and “1984” respectively; and
- (c) in subsection (4) for the words “Part V of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part VI of the Mental Health (Scotland) Act 1984”.
- 24 In section 25(2) for the words “Part IV of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part V of the Mental Health (Scotland) Act 1984”.
- 25 In section 174A(1) for the words “section 6(1) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Section 1(2) of the Mental Health (Scotland) Act 1984”.
- 26 In section 175(1) for the words “23(1)”, “25(1A)(a)” and “Mental Health (Scotland) Act 1960” there shall be substituted the words “17(1)”, “36(a)” and “Mental Health (Scotland) Act 1984” respectively.
- 27 In section 176(1) for the words “section 27 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 20 or section 39 of the Mental Health (Scotland) Act 1984”.
- 28 In section 178—
- (a) in subsection (1) for the words “section 60(3) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 62(1) of the Mental Health (Scotland) Act 1984”;
- (b) in subsection (2) for the words “section 27 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 20 or section 39 of the Mental Health (Scotland) Act 1984”; and
- (c) in subsection (3) for the words “section 58(4) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 60(4) of the Mental Health (Scotland) Act 1984”.
- 29 In section 184—
- (a) in subsection (1) for the words “section 27 of the Mental Health (Scotland) Act 1960” and “Part V of that Act” there shall be substituted the words “section 20 or 39 of the Mental Health (Scotland) Act 1984” and “Part VI of that Act” respectively;
- (b) in subsection 2(a) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 30 In section 322—
- (a) in subsection (1)(b) for the words “section 36 or 106 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 28, 44, or 121 of the Mental Health (Scotland) Act 1984”;
- (b) in subsection (3) for the words “section 105 of the Mental Health (Scotland) Act 1960” and “1960” where it second occurs there shall be substituted the words “section 120 of the Mental Health (Scotland) Act 1984” and “1984” respectively; and
- (c) in subsection (4) for the words “Part V of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part VI of the Mental Health (Scotland) Act 1984”.

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- 31 In section 330(2) for the words “Part IV of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part V of the Mental Health (Scotland) Act 1984”.
- 32 In section 375(A)(1) for the words “section 6(1) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 1(2) of the Mental Health (Scotland) Act 1984”.
- 33 In section 376(1) for the words “23(1)”, “25(1)(a)” and “Mental Health (Scotland) Act 1960” there shall be substituted the words “17(1)”, “36(a)” and “Mental Health (Scotland) Act 1984” respectively.
- 34 In section 377(1) for the words “section 27 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 20 or section 39 of the Mental Health (Scotland) Act 1984”.
- 35 In section 379—
- (a) in subsection (1) for the words “section 60(3) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 62(1) of the Mental Health (Scotland) Act 1984”;
  - (b) in subsection (2) for the words “section 27 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 20 or section 39 of the Mental Health (Scotland) Act 1984”; and
  - (c) in subsection (3) for the words “section 58(4) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 62(1) of the Mental Health (Scotland) Act 1984”.
- 36 In section 385—
- (a) in subsection (1) for the words “section 27 of the Mental Health (Scotland) Act 1960” and “Part V of that Act” there shall be substituted the words “section 20 or 39 of the Mental Health (Scotland) Act 1984” and “Part VI of that Act” respectively;
  - (b) in subsection 2(a) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 37 In section 462—
- (a) in the definition of “hospital” for the words “Part III of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part IV of the Mental Health (Scotland) Act 1984”;
  - (b) in the definition of “responsible medical officer” for the words “section 53 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 59 of the Mental Health (Scotland) Act 1984”; and
  - (c) in the definition of “State hospital” for the words “Part VII of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part VIII of the Mental Health (Scotland) Act 1984”.

*The Adoption (Scotland) Act 1978 (c. 28)*

- 38 In section 32(3)(c) for the words “section 23 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 17 or 39 of the Mental Health (Scotland) Act 1984”.

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*The National Health Service (Scotland) Act 1978 (c. 29)*

39 In section 100(1) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

40 In section 102(1) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

41 In section 108(1) in the definitions of “illness” and “state hospital” for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

F242 .....

**Annotations:**

**Amendments (Textual)**

F2 Sch. 3 para. 42 repealed (5.2.1994) by 1993 c. 46, s. 20, Sch.3

*The Child Care Act 1980 (c. 5)*

43 In section 79(5)(d) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

*The Reserve Forces Act 1980 (c. 9)*

44 In paragraph (2)(b) of Schedule 2 for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

*The Concessionary Travel for Handicapped Persons (Scotland) Act 1980 (c. 29)*

45 In section 2(1)(a) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

*Solicitors (Scotland) Act 1980 (c. 46)*

46 In section 18(1) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

*Tenants’ Rights, Etc. (Scotland) Act 1980 (c. 52)*

47 In section 1(10)(o) for the words “section 89 of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 90 of the Mental Health (Scotland) Act 1984”.

*The Contempt of Court Act 1981 (c. 49)*

48 In paragraph (10)(b) of Schedule 1 for the words “section 68(1) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 73(1) of the Mental Health (Scotland) Act 1984”.

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*The Mental Health Act 1983 (c. 20)*

- 49 In section 69(2)(a) for the words “section 73(2) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 77(2) of the Mental Health (Scotland) Act 1984”.
- 50 In section 79(1)(c) for the words “section 73(2) of the Mental Health (Scotland) Act 1960” there shall be substituted the words “section 77(2) of the Mental Health (Scotland) Act 1984”.
- 51 In section 80, in subsections (4) and (7) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 52 In section 88(3)(a) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 53 In section 90 for the words “Part VI of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part VII of the Mental Health (Scotland) Act 1984”.
- 54 In section 92(3) for the words “Part VI of the Mental Health (Scotland) Act 1960” there shall be substituted the words “Part VII of the Mental Health (Scotland) Act 1984”.
- 55 In section 116(2) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
- 56 In section 135—
- (a) in subsection (2) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.
  - (b) in subsection (4) for the words “Mental Health (Scotland) Act 1960” there shall be substituted the words “Mental Health (Scotland) Act 1984”.

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**Changes and effects yet to be applied to :**

- Sch. 1-5 repealed by [S.I. 2005/2078 Sch. 3](#) (This amendment comes into force immediately after the coming into force of the entry in 2003 asp 13, Sch. 5 in respect of the Mental Health (Scotland) Act 1984 (c. 36), see art. 1(2). Sch. 5 Pt. 1 was brought into force on 5.10.2005 by S.S.I. 2005/161, art. 3)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing 1968 c 20 s. 23) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 s. 63) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 19 s. 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 18 s 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 s. 63) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 19 s. 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 18 s 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))
- Act repealed by [2003 asp 13 Sch. 5 Pt. 1](#)
- Act savings for effects of 2003 asp 13 sch. 5 Pt. 1 by [S.S.I. 2005/452 art. 3-45](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 2(5A) inserted by [2003 asp 13 Sch. 1 para. 10\(2\)\(c\)](#)
- s. 6(1) (2) inserted by [2003 asp 13 Sch. 1 para. 10\(3\)\(a\)](#)
- s. 6(3) words in s. 6 renumbered as s. 6(3) by [2003 asp 13 Sch. 1 para. 10\(3\)\(a\)](#)
- s. 6(3)(a) word inserted by [2003 asp 13 Sch. 1 para. 10\(3\)\(b\)\(i\)](#)
- s. 6(3)(b)(ii) words inserted by [2003 asp 13 Sch. 1 para. 10\(3\)\(b\)\(ii\)](#)
- s. 13(1)(aa) inserted by [2000 asp 4 s. 38\(4\)](#)
- s. 53(5A) inserted by [2004 c. 33 Sch. 28 para. 50\(4\)](#)

**Commencement Orders yet to be applied to the Mental Health (Scotland) Act 1984**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/1 art. 2 Sch.](#) commences (2002 c. 41)
- [S.I. 2005/1119 art. 2](#) commences (1996 c. 46)
- [S.I. 2009/1604 art. 2](#) commences (2005 c. 4)
- [S.S.I. 2003/267 art. 2](#) commences (2000 asp 4)
- [S.S.I. 2003/316 art. 2](#) commences (2003 asp 13)
- [S.S.I. 2005/161 art. 2-4](#) commences (2003 asp 13)

– [S.S.I. 2005/604 art. 2-4 commences \(2004 c. 33\)](#)