

## SCHEDULES

### SCHEDULE 4

Section 127(1).

#### TRANSITIONAL AND SAVINGS PROVISIONS

- 1 Where, apart from this paragraph, anything done under or in pursuance of, for the purposes of, any enactment which is repealed by this Act (in this Schedule referred to as "a repealed enactment") would cease to have effect by virtue of that repeal it shall have effect as if it had been done under, or in pursuance of, or for the purposes of, the corresponding provision of this Act.
- 2 Without prejudice to any express amendment by this Act, where any enactment or document refers either expressly or by implication, to a repealed enactment, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- 3 Where any period of time specified in a repealed enactment is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.
- 4 (1) Nothing in this Act shall affect a repealed enactment in its operation in relation to offences committed before the commencement of this Act.  
(2) Where an offence, for the continuance of which a penalty was provided, has been committed under a repealed enactment proceedings may, in the same manner as if the offence had been committed under the corresponding provision of this Act, be taken under this Act in respect of the continuance, after the commencement of this Act, of the offence.
- 5 This Act shall apply in relation to any authority for the detention or guardianship of a person who was liable to be detained or subject to guardianship under the Mental Health (Scotland) Act 1960 immediately before 30th September 1984 as if the provisions of this Act which derive from provisions amended by section 5 of the Mental Health (Amendment) (Scotland) Act 1983 and any amendments in Schedule 2 to that Act which are consequential on those sections were included in this Act in the form which the provisions from which they derive would take if those amendments were disregarded ; but this provision shall not apply to any renewal of that authority on or after that date.
- 6 This Act shall apply to any application made before 30th September 1984 as if the provisions of this Act which derive from provisions amended by sections 8(1) or (2) or (3b) or (3c) or 9 of the Mental Health (Amendment) (Scotland) Act 1983 and any amendments in Schedule 2 to that Act which are consequential on those sections were included in this Act in the form which the provisions from which they derive would take if those amendments were disregarded.
- 7 Where on 30th September 1984 a person who has not attained the age of 16 years is subject to guardianship by virtue of a guardianship application the authority for his guardianship shall terminate on that day.

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

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- 8 This Act shall apply to any emergency recommendation or admission following thereon made before 30th September 1984 as if the provisions of this Act which derive from provisions amended by section 12 of the Mental Health (Amendment) (Scotland) Act 1983 and the repeal in Schedule 3 to that Act which is consequential on that section were included in this Act in the form which the provisions from which they derive would take if those amendments were disregarded; but, when the period during which a patient may be detained in pursuance of such an emergency recommendation expires, it shall not be competent for the patient to be further detained immediately thereafter under the said provisions of this Act in the form which they take as so amended.
- 9 This Act shall apply in relation to any renewal of authority made before 30th September 1984 as if the provisions of this Act which derive from provisions amended by section 16(a) to (d) of the Mental Health (Amendment) (Scotland) Act 1983 and any amendments in Schedule 2 to that Act which are consequential on that section were included in this Act in the form which the provisions from which they derive would take if those amendments were disregarded ; and, where an authority has been renewed before that date for a period of 2 years of which less than 16 months has expired on that date, that period shall expire at the end of 18 months from the date on which it began.
- 10 This Act shall apply in relation to the definition of " nearest relative " in any proceedings commenced before 30th September 1984 as if the provisions of this Act which derive from provisions amended by section 19 of the Mental Health (Amendment) (Scotland) Act 1983 and any amendments in Schedule 2 to that Act which are consequential on that section were included in this Act in the form which the provisions from which they derive would take if those amendments were disregarded.
- 11 (1) Section 98(3) of this Act shall not apply to any treatment given to a patient in the period of 6 months beginning with 30th September 1984 if—  
    (a) the detention of the patient began before the beginning of that period; and  
    (b) that subsection has not been complied with in respect of any treatment previously given to him in that period.
- (2) The Secretary of State may by order reduce the length of the period mentioned in sub-paragraph (1) of this paragraph.
- 12 In the case of a patient who is detained at 30th September 1984 the steps to be taken under section 110 shall be taken as soon as practicable after that date, except where such steps have already been taken.
- 13 Section 113 of this Act shall not apply in relation to proceedings commenced before 30th September 1984.