

## SCHEDULES

### SCHEDULE 2

Section 4(2).

#### COMMUNITY CARE ORDERS: SUPPLEMENTARY

##### *Mental Welfare Commission*

- 1 In section 3 of the Mental Health (Scotland) Act 1984 (functions and duties of Mental Welfare Commission), in each of subsections (1) and (2)(b), after the word “guardianship” there shall be inserted “or a community care order”.
- 2 In section 5 of that Act (duties of Secretary of State and local authorities in relation to Mental Welfare Commission), after subsection (2) there shall be inserted the following subsection—
- “(3) The local authority providing after-care services under section 8 of this Act for a patient subject to a community care order shall afford the Mental Welfare Commission all facilities necessary to carry out their functions in relation to such a patient.”

##### *After-care services*

- 3 In section 8(1) of that Act (duty of local authority to provide after-care services), at the end there shall be inserted the words “and shall (without prejudice to the foregoing) provide or arrange for the provision of after-care services for any person who is subject to a community care order”.

##### *Part VI patients*

- 4 In section 62 of that Act (application of Act to patients subject to restriction orders), in subsection (1), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) none of the provisions of Part V of this Act relating to community care orders shall apply;”.
- 5 In Schedule 2 to that Act (application of Part V to patients subject to hospital or guardianship orders), in Part I (hospital order without restriction order and transfer order without restriction)—
- (a) in paragraph 1 (provisions applying without modification), after “32,” there shall be inserted “35A,”;
- (b) in paragraph 2 (provisions applying with modifications), after “35,” there shall be inserted “35B,”; and
- (c) after paragraph 8 there shall be inserted the following paragraph—
- “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.””

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*Status: This is the original version (as it was originally enacted).*

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### *Offences*

- 6 In section 105 of that Act (ill-treatment of patients), after subsection (2) there shall be inserted the following subsection—

“(2A) It shall be an offence for any individual to ill-treat or wilfully neglect a patient in respect of whom a community care order is for the time being in force.”

- 7 In section 109 of that Act (obstruction), in subsection (1), after the word “Act,” there shall be inserted “or to give access to any person to a person so authorised”.

### *Duty to inform nearest relative*

- 8 In section 111(1) of that Act (duty of managers of hospital to inform nearest relative of discharge of patient), after the words “nearest relative” in the first place where they occur there shall be inserted “or the making of a community care order”.

### *Code of practice*

- 9 In section 119 of that Act (code of practice), in subsection (1)(a) (guidance to medical practitioners, mental health officers etc.), after the word “Act” there shall be inserted “guardianship under this Act and after-care services provided under section 8 of this Act for patients subject to community care orders”.

### *Interpretation*

- 10 In section 125(1) of that Act (interpretation), the following definitions shall be inserted in the appropriate places in alphabetical order—

““after-care officer” has the meaning assigned to it by section 35A(4)(c) of this Act;”;

““community care application” and “community care order” have the meanings respectively assigned to them by section 35A(1) of this Act;”;

““special medical officer” has the meaning assigned to it by section 35A(4)(b) of this Act”.