
 STATUTORY INSTRUMENTS

1984 No. 1494 (S. 122)

MENTAL HEALTH

The Mental Health (Specified Treatments, Guardianship Duties etc.) (Scotland) Regulations 1984

<i>Made - - - -</i>	<i>17th September 1984</i>
<i>Laid before Parliament</i>	<i>19th September 1984</i>
<i>Coming into Operation</i>	<i>30th September 1984</i>

In exercise of the powers conferred upon me by sections 43, 97(1)(b) and 98(1)(a) of the Mental Health (Scotland) Act 1984 (a), and of all other powers enabling me in that behalf, and after consulting, in accordance with sections 97(6) and 98(6) of the said Act, such bodies as appear to me to be concerned, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Mental Health (Specified Treatments, Guardianship Duties etc.) (Scotland) Regulations 1984 and shall come into operation on 30th September 1984.

Interpretation

2. In these regulations, unless the context otherwise requires—

“the Act” means the Mental Health (Scotland) Act 1984;

“guardian” means the person named as guardian in either a guardianship application under Part V of the Act or a guardianship order made under section 175 or 376 of the Criminal Procedure (Scotland) Act 1975 (b), and which has effect in respect of a patient, and “guardianship” shall be construed accordingly;

“local authority concerned” means—

- (a) in the case of a patient in respect of whom a guardianship application under Part V of the Act is effective, the local authority to whom that application was addressed;
- (b) in the case of a patient removed to Scotland in pursuance of arrangements under section 81 of the Act or under section 80 of the Mental Health Act 1983 (c) the local authority for the place in Scotland at which he was received into guardianship;
- (c) in any other case the local authority to whose guardianship the patient is subject or who approved his guardian.

(a) 1984 c.36.

(b) 1975 c.21; section 175 is amended by Schedule 2, paragraph 31 to the Mental Health (Amendment) (Scotland) Act 1983 (c.39) and by Schedule 3, paragraph 26 to the Mental Health (Scotland) Act 1984; section 376 is amended by Schedule 2, paragraph 34 to the Mental Health (Amendment) (Scotland) Act 1983 and by Schedule 3, paragraph 33 to the Mental Health (Scotland) Act 1984.

(c) 1983 c.20.

Specified forms of medical treatment

3.—(1) A form of medical treatment for mental disorder hereby specified for the purposes of section 97 of the Act (treatment requiring consent and a second opinion) shall be the surgical implantation of hormones for the purpose of reducing male sexual drive.

(2) A form of medical treatment for mental disorder hereby specified for the purposes of section 98 of the Act (treatment requiring consent or a second opinion) shall be electro-convulsive therapy.

Duties of local authority concerned

4. The local authority concerned shall exercise general supervision over every patient subject to guardianship.

5. The local authority concerned shall arrange for every patient who is subject to guardianship to be visited on their behalf from time to time but in any case at intervals of not more than three months.

6.—(1) The local authority concerned shall as soon as practicable notify the Mental Welfare Commission in writing of any permanent change in the place of residence of a guardian or of a patient subject to guardianship.

(2) In the event of the absence of a patient subject to guardianship without leave from the place at which he is required to reside, his return thereto after such absence, his death or the termination of guardianship by discharge or otherwise, the local authority concerned shall as soon as practicable notify the Mental Welfare Commission in writing of that event.

Duties of guardian

7. A guardian, other than one which is the local authority concerned, shall—

- (a) furnish the local authority concerned with all such reports or other information with regard to the patient subject to guardianship as that authority may from time to time require;
- (b) before any permanent change in the place of residence of the guardian or of the patient subject to guardianship takes effect, notify the local authority concerned in writing of the new place of residence;
- (c) notify the local authority concerned in writing of the name and address of the medical practitioner for the time being acting as the general medical practitioner of the patient subject to guardianship;
- (d) in the event of the death of the patient subject to guardianship, as soon as practicable inform the local authority concerned;
- (e) if the patient subject to guardianship is absent without leave of the guardian from the place at which he is required to reside, or if such a patient absent without leave returns or is returned to that place, as soon as practicable inform the local authority concerned of that event.

Revocations

8. The Mental Health (Guardianship) (Scotland) Regulations 1962(a) and the Mental Health (Guardianship) (Scotland) Amendment Regulations 1975(b) are hereby revoked.

(a) S.I. 1962/614.

(b) S.I. 1975/828.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

St Andrew's House,
Edinburgh.
17th September 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations serve two purposes. Firstly they specify two particular forms of medical treatment for mental disorder, namely surgical implantation of hormones to reduce male sexual drive and electro-convulsive therapy, which are to be subject respectively to the provisions of sections 97 and 98 of the Mental Health (Scotland) Act 1984. Thus it will not be permissible for the particular form of treatment to be given to a patient to whom Part X of the 1984 Act applies unless both his consent and a second medical opinion in the case of the first mentioned treatment have been obtained, or unless his consent or a second medical opinion in the case of the second mentioned treatment has been obtained (Regulation 3).

Secondly, the regulations impose upon local authorities duties concerning the supervision and visiting of patients who are subject to guardianship and notification to the Mental Welfare Commission of certain matters such as change in the place of residence of such a patient, and the termination of guardianship (regulations 4 to 6), and impose upon guardians the duty of notifying local authorities of certain matters affecting the patients of whom they are the guardians (regulation 7).

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