

SCHEDULE 3 MINOR AND CONSEQUENTIAL AMENDMENTS

Mental Health (Scotland) Act 1984 (c. 36)

11 (1) The Mental Health (Scotland) Act 1984 is amended as follows.

(2) After section 5 there is inserted the following section—

“5A Duties in relation to private hospitals

Any person providing a private hospital shall afford to the Mental Welfare Commission all facilities necessary to enable them to carry out their functions in respect of any patient in the hospital.”

(3) In section 10(2) (welfare of certain hospital patients)—

- (a) for the words from “a patient” to “reason” there is substituted “, in Scotland, a patient to whom this section applies is (whether for treatment for mental disorder or for any other reason) admitted to any hospital or to accommodation provided by a care home service”; and
- (b) for the words “nursing home”, where they occur for the second time, there is substituted “accommodation”.

(4) In section 17(2) (admission to hospital etc. without detention)—

- (a) for the words “nursing home” there is substituted “to accommodation provided by a care home service”; and
- (b) after the word “hospital”, where it occurs for the second time, there is inserted “or in any such accommodation”.

(5) In section 105(1) (offence to ill-treat patients)—

- (a) for the words “nursing home”, where they occur for the first time, there is substituted “employed in the provision of a care home service”;
- (b) for the words “carrying on a nursing home” there is substituted “providing or managing a care home service”;
- (c) in paragraph (a) for the words “nursing home”, there is substituted “in accommodation provided by that care home service”; and
- (d) in paragraph (b), for the words “nursing home” there is substituted “accommodation”.

(6) In section 107(1)(a) (protection of patients from unlawful sexual intercourse)—

- (a) for the words “nursing home”, where they occur for the first time, there is substituted “employed in the provision of a care home service”;
- (b) for the words “who is a person carrying on a nursing home” there is substituted “a person providing or managing a care home service”;
- (c) for the words “nursing home”, where they occur for the third time, there is substituted “in accommodation provided by that care home service”; and
- (d) for the words “nursing home”, where they occur for the fourth time, there is substituted “accommodation”.

(7) In section 125(1) (interpretation)—

- (a) there is inserted at the appropriate place—

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

- ““care home service” has the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8);”;
- (b) in the definition of “hospital”, for the words “Part IV of this Act”, there is substituted “Part 1 of the Regulation of Care (Scotland) Act 2001 (asp 8);”;
 - and
 - (c) in the definition of “private hospital”, for the words “Part IV” there is substituted “section 12(2)”.
- (8) In section 126 (preservation of amendments), subsection (1)(a) is repealed.
- (9) In Schedule 3 (consequential amendments), paragraph 3 is repealed.