

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 29 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 3 **S**

(introduced by section 71)

APPLICATION OF CHAPTER 1 OF PART 7 TO CERTAIN PATIENTS

1 Section 57(3) of this Act shall have effect as if, for paragraph (e), there were substituted the following—

“(e) that it will be necessary, immediately after the hospital direction or, as the case may be, transfer for treatment direction to which the patient is subject ceases to have effect, for the patient to be subject to a compulsory treatment order.”

Commencement Information

II Sch. 3 para. 1 in force at 5.10.2005 by [S.S.I. 2005/161](#), [art. 3](#) (as substituted (1.7.2005) by [S.S.I. 2005/375](#), [art. 2](#) and as amended (22.9.2005) by [S.S.I. 2005/459](#), [art. 2](#))

[^{F1}1A In the case of a patient subject to a hospital direction or a transfer for treatment direction, section 60(1) of this Act shall have effect as if, after paragraph (b), there were inserted—

“(ba) to the Scottish Ministers;”]

Textual Amendments

F1 Sch. 3 para. 1A inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015](#) (asp 9), [ss. 35\(3\), 61\(2\)](#); [S.S.I. 2017/197](#), [art. 2](#), [sch.](#) (with [art. 17](#))

2 (1) Section 64(4)(a)(i) of this Act shall have effect subject to the following—

(a) where a compulsory treatment order is made in respect of a patient who is subject to—

- (i) a hospital direction; or
- (ii) a transfer for treatment direction,

that order shall authorise the measures specified in it only if the direction to which the patient is subject ceases, by virtue of section 217(2) of this Act, to have effect before the expiry of the period of 28 days beginning with the day on which the order is made; and

(b) where—

- (i) a compulsory treatment order is made in respect of such a patient; and
- (ii) the direction to which the patient is subject ceases, by virtue of section 217(2) of this Act, to have effect before the expiry of the period of 28 days mentioned in sub-sub-paragraph (a) above,

the compulsory treatment order shall authorise the measures specified in it for the period of 6 months beginning with the day on which that direction ceases to have effect.

(2) Section 64(5) shall have effect as if, for paragraph (e), there were substituted—

“(e) that it will be necessary, immediately after the hospital direction or, as the case may be, transfer for treatment direction to which the patient is subject ceases to have effect, for the patient to be subject to a compulsory treatment order.”

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Commencement Information

- I2** Sch. 3 para. 2 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

3 Section 65 of this Act shall not have effect.

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Commencement Information

- I3** Sch. 3 para. 3 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

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

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

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)