

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, SCHEDULE 6 is up to date with all changes known to be in force on or before 26 May 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 6

(introduced by section 332(1))

TRANSITORY AMENDMENTS OF THE MENTAL HEALTH (SCOTLAND) ACT 1984

- 1 Sections 33, 64 and 66 of the Mental Health (Scotland) Act 1984 (c. 36) shall, until their repeal by this Act, have effect as follows.
- 2 In section 33 (discharge of patients from hospital), in subsection (4)—
 - (a) after “is”, where secondly occurring, insert “ not ”; and
 - (b) in each of paragraphs (a) and (b) omit “not”.
- 3 In section 64 (appeal by patient subject to restriction order)—
 - (a) in subsection (1)—
 - (i) after “shall” insert “ , subject to subsection (2) of this section, ”;
 - (ii) after “is”, where first occurring, insert “ not ”;
 - (iii) in each of paragraphs (a) and (b) omit “not”;
 - (iv) omit “and (in either case)” and paragraph (c);
 - (b) in subsection (2)—
 - (i) for “(1)” substitute “ (A1) ”;
 - (ii) after “is”, where secondly occurring, insert “ not ”;
 - (iii) for the words from “not” to “subsection”, where thirdly occurring, substitute “ is satisfied that it is appropriate for the patient to remain liable to be recalled to hospital for further treatment ”.
- 4 In section 66 (further consideration of case of conditionally discharged patient) in subsection (3) after “is”, where first, secondly and thirdly occurring, insert “ not ”.

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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\(3\)](#)