



# Mental Health (Care and Treatment) (Scotland) Act 2003

## 2003 asp 13

### PART 1

#### INTRODUCTORY

### 3 Equal opportunities

- (1) Subsection (2) below applies whenever a person mentioned in subsection (3) below is discharging a function by virtue of this Act.
- (2) The person shall discharge the function in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (3) The persons referred to in subsection (1) above are—
  - (a) the Scottish Ministers;
  - (b) the Commission;
  - (c) a local authority;
  - (d) a Health Board;
  - (e) a Special Health Board;
  - (f) a National Health Service trust;
  - [<sup>F1</sup>(fa) (as respects its health service functions only) Healthcare Improvement Scotland;]
  - (g) the managers of a hospital;
  - (h) a mental health officer;
  - (i) a patient's responsible medical officer;
  - (j) a medical practitioner; and
  - (k) a nurse.
- (4) In this section “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c. 46).

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 3 is up to date with all changes known to be in force on or before 25 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*

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#### Textual Amendments

- F1** S. 3(3)(fa) inserted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 2 para. 8(2)**
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#### Commencement Information

- I1** S. 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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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 3(3)(d) repealed by [2004 asp 7 sch. 2](#)
- s. 3(3)(e) repealed by [2004 asp 7 sch. 2](#)

**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\(3\)](#)