

**Changes to legislation:** Mental Health (Care and Treatment) (Scotland) Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 27 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 5

(introduced by section 331(2) and (3))

### REPEALS AND REVOCATIONS

#### PART 1

#### REPEALS

##### Commencement Information

- II** Sch. 5 Pt. 1 in force at 5.10.2005 for specified purposes 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)

<i>Enactment</i>	<i>Extent of repeal</i>
The National Health Service (Scotland) Act 1978 (c. 29)	In section 102, paragraph (a) of subsection (4), the word “or” immediately following that paragraph and subsection (5).
The Mental Health (Scotland) Act 1984 (c. 36)	The whole Act <sup>F1</sup> with the exception of section 10(1)(b) and (c) and (2) and section 95].
The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)	Section 51(2)(b).
The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)	In section 7(9), in paragraph (c) of the definition of “the managers”, the words from “a State Hospital Management Committee” to “constituted”.
The Children Act 1989 (c. 41)	In Schedule 13, paragraph 50.
The National Health Service and Community Care Act 1990 (c. 19)	In Schedule 5, paragraph 13. In Schedule 9, paragraph 28.
The Access to Health Records Act 1990 (c. 23)	In section 11, in the definition of “health service body”, paragraph (c).
The Mental Health (Detention) (Scotland) Act 1991 (c. 47)	The whole Act.
The Further and Higher Education (Scotland) Act 1992 (c. 37)	In Schedule 9, paragraph 9.
The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)	Section 4(2) and (3). In Schedule 5, paragraph 2.
The State Hospitals (Scotland) Act 1994 (c. 16)	Section 2(4) and (5).
The Children (Scotland) Act 1995 (c. 36)	In Schedule 4, paragraph 33.
The Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)	Section 13(3).

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The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40)	In Schedule 4, paragraph 50.
The Criminal Procedure (Scotland) Act 1995 (c. 46)	In section 52, subsections (2) to (7). In section 58, subsection (1); in subsections (2) and (3), the words “(1) or”; subsections (4) and (5); in subsection (7), the words “hospital order or” and <sup>F2</sup> ...; subsection (9); subsection (10); in subsection (11), the words “subsection (1) of”. Section 59(3). In section 200(9), the words “within 24 hours of his remand or, as the case may be, committal,”. In section 210(1), in paragraphs (a) and (c)(iii), the words “52, 53 or”. In section 230(1), the words “, not extending beyond 12 months from the date of the requirement,”. In section 307(1), the definitions of “hospital order”, “residential establishment” and “responsible medical officer”.
The Mental Health (Patients in the Community) Act 1995 (c. 52)	Sections 4 to 6. Schedule 2.
The Crime (Sentences) Act 1997 (c. 43)	In schedule 3, paragraphs 6 to 10.
The Crime and Punishment (Scotland) Act 1997 (c. 48)	Sections 7 and 8. In Schedule 1, paragraph 9.
The Crime and Disorder Act 1998 (c. 37)	In Schedule 8, paragraph 55.
The Health Act 1999 (c. 8)	In Schedule 4, paragraph 70.
The Mental Health (Public Safety and Appeals) (Scotland) Act 1999 (asp 1)	The whole Act.
The Mental Health (Amendment) (Scotland) Act 1999 (c. 32)	The whole Act.
The Immigration and Asylum Act 1999 (c. 33)	Section 120(4) and (5). In Schedule 15, paragraph 10.
The Adults with Incapacity (Scotland) Act 2000 (asp 4)	In section 9(1), the words “Without prejudice to their functions under the 1984 Act,” and paragraphs (a), (b), (e) and (f). In section 12(1)(b), the words “or (e)”. In section 35(1)(b), the words “or private psychiatric hospital”. Section 38(4). In section 47(2), the words “and to”. Section 48(1). In section 57(3)(a), the words from “approved” to the end. Section 87(2) and (3).

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	In schedule 1, paragraph 1(c)(ii) and the word “or” immediately following it. In schedule 5, paragraph 17(3) to (24).
The Regulation of Care (Scotland) Act 2001 (asp 8)	Section 2(5)(b). In section 77, in subsection (1), the definition of “private psychiatric hospital” and, in subsection (2), the words “(not being a private psychiatric hospital)”. In schedule 3, paragraph 11(2) to (7).
The International Criminal Court (Scotland) Act 2001 (asp 13)	Section 25.
The Scottish Public Services Ombudsman Act 2002 (asp 11)	In schedule 6, paragraph 6.

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#### Textual Amendments

- F1** Words in Sch. 5 inserted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **sch. 1 para. 32(28)**
- F2** Words in Sch. 5 repealed (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **Sch. 2**

## PART 2

### REVOCATIONS

#### Commencement Information

- I2** Sch. 5 Pt. 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)

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<i>Enactment</i>	<i>Extent of repeal</i>
The Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820)	In Schedule 2, paragraph 74.
The Postal Services Act 2000 (Consequential Modifications No.1) Order 2001 (S.I. 2001/1149)	In Schedule 1, paragraph 60.

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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\(3\)](#)