**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 No. 465

## SCHEDULE 1

## MODIFICATION OF ENACTMENTS

Sexual Offences (Amendment) Act 2000 (c. 44)

- 29.—(1) The Sexual Offences (Amendment) Act 2000 is amended as follows.
- (2) In section 4 (meaning of "position of trust") in subsection (9) (1) in the definition of "private hospital"—
  - (a) omit "has";
  - (b) in paragraph (a) for "the meaning given by section 12(2) of the Mental Health (Scotland) Act 1984" substitute "means "private psychiatric hospital" within the meaning of section 77(1) of the Regulation of Care (Scotland) Act 2001 (asp 8)"; and
  - (c) in paragraph (b) after "Ireland," insert "has".

1

 $<sup>(1) \</sup>quad Section \ 4(9) \ was \ amended \ by \ the \ Regulation \ of \ Care \ (Scotland) \ Act \ 2001, \ schedule \ 3, \ paragraph \ 25.$