
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 197

**The Mental Health (Scotland) Act 2015 (Commencement
No. 4 and Transitional and Savings Provisions) Order 2017**

EMERGENCY AND SHORT-TERM DETENTION

Emergency detention in hospital: exclusion for patients where section 113(5) of the 2003 Act applies

5. Despite the commencement of section 4 of the Act, the amendments made by subsection (3) of that section to section 38 (duties on hospital managers: examination, notification etc.) of the 2003 Act have no effect where the emergency detention certificate referred to in section 38(1) of the 2003 Act has been granted before the appointed day.

Section 46 of the 2003 Act: notification by hospital managers

6. Despite the commencement of section 5 of the Act, the amendments made by subsection (3) of that section to section 46 (hospital managers' duties: notification) of the 2003 Act have no effect where the short-term detention certificate referred to in section 46(1) of the 2003 Act has been granted before the appointed day.