Mental Health (Scotland) Act 1984

1984 CHAPTER 36

An Act to consolidate the Mental Health (Scotland) Act 1960. [12th July 1984]

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Annotations:

Editorial Information
X1 A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.

Amendments (Textual)
F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)
F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(c), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)
C1 Act modified by Repatriation of Prisoners Act 1984 (c. 47, SIF 39:1), s. 3, Sch. para. 5(3)
C2 By Criminal Justice Act 1991 (c.53, SIF 39:1), s. 101(1), Sch. 12 para. 23; S.I. 1991/2208, art. 2(1), Sch. 1 it is provided (14.10.1991) that in relation to any time before the commencement of s.70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), Sch. 2) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.
Mental Health (Scotland) Act 1984 (c. 36)

Part I – Application of Act

Changes to legislation: Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force on or before 24 January 2019. 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)

 Commencement Information

I1 Act wholly in force at 30.9.1984 see s. 130

PART I
APPLICATION OF ACT

PART II
MENTAL WELFARE COMMISSION

PART III
LOCAL AUTHORITY SERVICES

FUNCTIONS OF LOCAL AUTHORITIES

Annotations:

Amendments (Textual)
F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

PROVISION OF AFTER-CARE SERVICES.

Annotations:

Amendments (Textual)
F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)
Appointment of mental health officers.

Welfare of certain hospital patients.

(1) The provisions of this section shall apply to any patient suffering from mental disorder who is—

(a) a person who is under the guardianship of a local authority under the provisions of the Mental Health Act 1983; or

(aa) a person the functions of whose nearest relative are for the time being transferred to a local authority.

(2) Where, in Scotland, a patient to whom this section applies is (whether for treatment for mental disorder or for any other reason) admitted to any hospital or to accommodation provided by a care home service then, without prejudice to their duties in relation to the patient apart from the provisions of this section, the authority having rights or functions in relation to him as aforesaid shall arrange for visits to be made to him on their behalf, and shall take such other steps in relation to the patient while in the hospital or accommodation as would be expected of a parent.

Annotations:

Amendments (Textual)

Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452; 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)

Welfare of certain hospital patients.

(1) The provisions of this section shall apply to any patient suffering from mental disorder who is—

(a) a person who is under the guardianship of a local authority under the provisions of the Mental Health Act 1983; or

(aa) a person the functions of whose nearest relative are for the time being transferred to a local authority.

(2) Where, in Scotland, a patient to whom this section applies is (whether for treatment for mental disorder or for any other reason) admitted to any hospital or to accommodation provided by a care home service then, without prejudice to their duties in relation to the patient apart from the provisions of this section, the authority having rights or functions in relation to him as aforesaid shall arrange for visits to be made to him on their behalf, and shall take such other steps in relation to the patient while in the hospital or accommodation as would be expected of a parent.
Mental Health (Scotland) Act 1984 (c. 36)
Part IV – Private Hospitals

Document Generated: 2019-01-24

Changes to legislation: Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force
on or before 24 January 2019. 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)

para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452; S.S.I. 2005/161, art. 3 (as
F3 S. 10(1)(a)(aa) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003
(Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I.
2005/161, art. 3)
F4 Words in s. 10(1)(b) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act
2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I.
2005/161, art. 3)
F5 Words in s. 10(1)(c) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act
2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I.
2005/161, art. 3)
F6 Words in s. 10(2) substituted (S.) (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 11(3)(a); S.S.I.
2002/162, art. 2(f)(h) (subject to arts. 3-13)
F7 Words in s. 10(2) substituted (S.) (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 11(3)(b); S.S.I.
2002/162, art. 2(f)(h) (subject to arts. 3-13)

Marginal Citations
M1 1983 c. 20.

F1 The training and occupation of the mentally handicapped.

..................................................

Annotations:

Amendments (Textual)
F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment)
(Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1
para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); S.S.I. 2005/161, art. 3 (as
F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment)
(Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with
art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far
as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and
s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9
para. 40; S.I. 2009/1604, art. 2(d)

PART IV
PRIVATE HOSPITALS

..................................................

PART V

ADMISSION TO AND DETENTION IN HOSPITAL AND GUARDIANSHIP

..................................................
PART VI

DETENTION OF PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS ETC. AND TRANSFER OF PATIENTS UNDER SENTENCE

PART VII

REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM ETC.

PART VIII

STATE HOSPITALS

PART IX

PROTECTION OF PROPERTY OF PATIENTS

Duties of local authority in relation to property.

Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)c, Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(c), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2009 c. 39, s. 59(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)
Powers of managers in relation to property of patients.

Annotations:

Amendments (Textual)

F1 Act (except ss. 10, 95, 130) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

95 Reciprocal arrangements in relation to Northern Ireland as to exercise of powers.

(1) Where a curator bonis, tutor [F8, guardian] or judicial factor has been appointed under the law in force in Scotland for any person suffering from mental disorder, the provisions of that law shall apply in relation to the property and affairs of that person in Northern Ireland unless [F9]he is a patient in relation to whom powers have been exercised under Part VIII of the Mental Health (Northern Ireland) Order 1986, or a person as to whom powers are exercisable and have been exercised under Article 97(2) of that Order.

(2) [F10]Part VIII of the Mental Health (Northern Ireland) Order 1986 shall apply in relation to the property and affairs in Scotland of a patient in relation to whom powers have been exercised under that Part, or a person as to whom powers are exercisable and have been exercised under Article 97(2) of that Order, as it applies in relation to his property and affairs in Northern Ireland unless a curator bonis, tutor [F11, guardian] or judicial factor has been appointed for him in Scotland.

(3) In this section references to property do not include references to land or interests in land:

Provided that this subsection shall not prevent the receipt of rent or other income arising from land or interests in land.
Annotations:

Amendments (Textual)
F8 Word in s. 95(1) inserted (1.10.2003) by Adults with Incapacity (Scotland) Act 2000 (asp 4), s. 89(2), sch. 5 para. 17(23)(a); S.S.I. 2003/267, art. 2(2)(d)
F9 Words substituted by S.I. 1986/596, art. 3(16)
F10 Words substituted by S.I. 1986/596, art. 3(17)
F11 Word in s. 95(2) inserted (1.10.2003) by Adults with Incapacity (Scotland) Act 2000 (asp 4), s. 89(2), sch. 5 para. 17(23)(b); S.S.I. 2003/267, art. 2(2)(d)

PART X
CONSENT TO TREATMENT

PART XI
MISCELLANEOUS AND GENERAL

Offences

Miscellaneous provisions

Supplementary

Provisions as to custody, conveyance and detention.
## F121 Retaking of patients escaping from custody.

### Annotations:

**Amendments (Textual)**

| F1 | Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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) |
| F2 | Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(e), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d) |

## F121A Warrants for arrest of escaped mental patients.

### Annotations:

**Amendments (Textual)**

| F1 | Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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) |
| F2 | Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(e), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d) |

## F122 Protection for acts done in pursuance of this Act.

### Annotations:

**Amendments (Textual)**

| F1 | Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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) |
| F2 | Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(e), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d) |
s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

123 Inquiries.

Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

124 General provisions as to regulations and orders.

Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

125 Interpretation.

Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)
**Preservation of amendments.**

Annotations:

**Amendments (Textual)**

F1 Act (except ss. 10(1)(b)(c), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

**Consequential and transitional provisions and repeals.**

Annotations:

**Amendments (Textual)**

F1 Act (except ss. 10(1)(b)(c), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(c), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

**Application to England and Wales.**
Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(e), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

F129 Application to Northern Ireland.

.................. ..................

Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)

F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art. 16(2)) (see S.S.I. 2005/161, art. 3); and ss. 53, 54 expressed to be amended (5.12.2005) in so far as still in force by 2004 c. 33, s. 263(10)(e), Sch. 28 paras. 50, 51; S.S.I. 2005/604, art. 2(e), 4; and s. 66A expressed to be amended (1.10.2009) in so far as still in force by 2005 c. 4, s. 148(1), Sch. 9 para. 40; S.I. 2009/1604, art. 2(d)

F1130 Short title and commencement.

This Act may be cited as the Mental Health (Scotland) Act 1984 and shall come into force on 30th September 1984.

 Annotations:

Amendments (Textual)

F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1 para. 32(28) and with savings and transitional provisions in S.S.I. 2005/452); 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)
SCHEDULES

F1 F2 SCHEDULE 1

Section 91(2).

F1 F2 SCHEDULE 2

F1 F2 SCHEDULE 3

Section 127(1).

F1 F2 SCHEDULE 4

Section 127(1).

F1 F2 SCHEDULE 5

Section 127(2).

REPEALS
Changes to legislation:
Mental Health (Scotland) Act 1984 is up to date with all changes known to be in force on or before 24 January 2019. 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.

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- s. 7(4) substituted by 2002 c. 41 s. 46(4) (S. 46 is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)</td>
</tr>
<tr>
<td>- s. 8(5) substituted by 2002 c. 41 s. 46(5) (S. 46 is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)</td>
</tr>
<tr>
<td>- s. 55(3) words substituted by 2000 asp 4 Sch. 5 para. 17(22) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 17(22) repealed (5.10.2005) without ever being in force by 2003 asp 13, ss. 331(2), 333(3), Sch. 5 Pt. 1; S.I. 2005/161, art. 3)</td>
</tr>
<tr>
<td>- s. 125(1) words inserted by 2000 asp 4 Sch. 5 para. 17(24)(b)</td>
</tr>
<tr>
<td>- s. 125(1) words substituted by 2000 asp 4 Sch. 5 para. 17(24)(a)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to the whole Act associated Parts and Chapters:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Act applied by 1996 c. 46 Sch. 2 para. 9(replacing 1968 c 20 s. 23) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))</td>
</tr>
<tr>
<td>- Act applied by 1996 c. 46 Sch. 2 para. 4(replacing 1957 c 53 s. 63) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))</td>
</tr>
<tr>
<td>- Act applied by 1996 c. 46 Sch. 2 para. 1(replacing 1955 c 19 s. 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))</td>
</tr>
<tr>
<td>- Act power to applied by 1996 c. 46 Sch. 2 para. 4(replacing 1957 c 53 s. 63) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))</td>
</tr>
<tr>
<td>- Act power to applied by 1996 c. 46 Sch. 2 para. 1(replacing 1955 c 19 s. 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))</td>
</tr>
<tr>
<td>- Act power to applied by 1996 c. 46 Sch. 2 para. 1(replacing 1955 c 18 s. 116) (This amendment not applied to legislation.gov.uk. Sch. 2 repealed (31.3.2005) without ever being in force by 2004 c. 28, Sch. 11; S.I. 2005/579, art. 3(i))</td>
</tr>
</tbody>
</table>

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

| - s. 13(1)(aa) inserted by 2000 asp 4 s. 38(4) |

Commencement Orders yet to be applied to the Mental Health (Scotland) Act 1984
Commencement Orders bringing legislation that affects this Act into force:

| - S.I. 2009/1604 art. 2 commences (2005 c. 4) |