Changes to legislation: Mental Health (Scotland) Act 1984, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 10 July 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)



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART XI

MISCELLANEOUS AND GENERAL

Supplementary

F1F2 120	Provisions	as to	custody,	conveyance	and	detention.

Textual Amendments

- F1 Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1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- F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art.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)

F1F2 121 Retaking of patients escaping from custody.

Textual Amendments

Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), sch. 5 Pt. 1 (as amended by S.S.I. 2005/465, art. 1, sch. 1

Changes to legislation: Mental Health (Scotland) Act 1984, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 10 July 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)

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F2 Act (except ss. 10, 95, 130) repealed (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(2), Sch. 3 (with art.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)

F1F2 121 AWarrants for arrest of escaped mental patients.

Textual Amendments

- 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)

F1F2122 Protection for acts done in pursuance of this Act.

.....

Textual Amendments

- 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)

F1F2123	Inquiries.		

Changes to legislation: Mental Health (Scotland) Act 1984, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 10 July 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)

Textual Amendments

- 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)

F1F2 124 General provisions as to regulations and orders.

Textual Amendments

- 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)

F1F2 125 Interpretation.

Textual Amendments

- 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)

Changes to legislation: Mental Health (Scotland) Act 1984, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 10 July 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)

F1F2 126 Preservation of amendments.

Textual Amendments

- 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)

F1F2127 Consequential and transitional provisions and repeals.

Textual Amendments

- 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)

F1F2 128 Application to England and Wales.

Textual Amendments

- 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)

Changes to legislation: Mental Health (Scotland) Act 1984, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 10 July 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)

F1F2 129 Application to Northern Ireland.

Textual Amendments

- 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)

[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.]

Textual Amendments

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)

Status:

Point in time view as at 05/10/2005.

Changes to legislation:

Mental Health (Scotland) Act 1984, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 10 July 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.