



# Mental Health (Scotland) Act 1984

## 1984 CHAPTER 36

### PART XI

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous provisions*

#### **119 Code of practice.**

- (1) The Secretary of State shall prepare, and from time to time revise, a code of practice—
  - (a) for the guidance of medical practitioners, managers and staff of hospitals and mental health officers in relation to the detention and discharge of patients in and from hospitals under this Act, [<sup>F1</sup>guardianship under this Act and after-care services provided under section 8 of this Act for patients subject to community care orders]; and
  - (b) for the guidance of medical practitioners and members of other professions in relation to the medical treatment of patients suffering from mental disorder.
- (2) Before preparing the code or making any alteration in it the Secretary of State shall consult such bodies as appear to him to be concerned.
- (3) The Secretary of State shall lay copies of the code and of any alteration in the code before Parliament; and if either House of Parliament passes a resolution requiring the code or any alteration in it to be withdrawn the Secretary of State shall withdraw the code or alteration and, where he withdraws the code, shall prepare a code in substitution for the one which is withdrawn.
- (4) No resolution shall be passed by either House of Parliament under subsection (3) of this section in respect of a code or alteration after the expiration of the period of 40 days beginning with the day on which a copy of the code or alteration was laid before that House; but for the purposes of this subsection no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (5) The Secretary of State shall publish the code as for the time being in force.

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*Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.*

**Changes to legislation:** *Mental Health (Scotland) Act 1984, Section 119 is up to date with all changes known to be in force on or before 29 May 2024. 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)*

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#### **Textual Amendments**

**F1** Words in s. 119(1)(a) inserted (1.4.1996) by 1995 c. 52, ss. 4(2), 7(2), **Sch. 2 para. 9**

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