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SCOTTISH STATUTORY INSTRUMENTS

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**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.