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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**

*SUSPENSION OF ORDERS AND MEASURES*

**Section 43 of the 2003 Act: suspension of orders during emergency detention**

7. Despite the commencement of section 7 of the Act, the amendments made by that section to section 43 (effect of subsequent emergency detention certificate on compulsory treatment order) of the 2003 Act have no effect where the emergency detention certificate referred to in section 43(1)(b) of the 2003 Act is granted before the appointed day.

**Section 56 of the 2003 Act: suspension of orders during short-term detention**

8. Despite the commencement of section 8 of the Act, the amendments made by subsection (2) of that section to section 56 (effect of subsequent short-term detention certificate on emergency detention certificate) of the 2003 Act have no effect where the short-term detention certificate referred to in section 56(1)(b) (effect of subsequent short-term detention certificate on compulsory treatment order) of the 2003 Act is granted before the appointed day.

**Section 10 of the Act: suspension of detention and other measures**

9. Despite the commencement of section 10 of the Act—
- (a) the amendments made by subsection (2) of that section to section 127 (suspension of measure authorising detention) of the 2003 Act have no effect in respect of a certificate granted under section 127(1) of the 2003 Act before the appointed day;
  - (b) the amendments made by subsection (3) of that section to section 128 (suspension of other measures) to the 2003 Act have no effect in respect of a certificate which is granted under section 128(1) of the 2003 Act before the appointed day;
  - (c) the amendments made by subsection (4)(a) and (b) of that section to section 224 (patients subject to certain other orders and directions: suspension of measure authorising detention) of the 2003 Act have no effect in respect of a certificate granted under section 224(2) of the 2003 Act before the appointed day.