



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART IX

PROTECTION OF PROPERTY OF PATIENTS

F1F2⁹² Duties of local authority in relation to property.

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- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#) (as amended by [S.S.I.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- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2),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

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- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(2),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

Status: Point in time view as at 05/10/2005.

Changes to legislation: Mental Health (Scotland) Act 1984, Part IX is up to date with all changes known to be in force on or before 26 June 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)

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 94 Powers of managers in relation to property of patients.

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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- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)**, s. 333(2), **sch. 5 Pt. 1** (as amended by S.S.I. 2005/465, art. 1,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)**

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

- (1) Where a curator bonis, tutor [^{F3}, 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 [^{F4}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) [^{F5}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 [^{F6}, 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.

Textual Amendments

- F3** 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)
- F4** Words substituted by S.I. 1986/596, **art. 3(16)**
- F5** Words substituted by S.I. 1986/596, **art. 3(17)**

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F6 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)

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