

*Status: This version of this provision no longer has effect.*

**Changes to legislation:** *Mental Health (Scotland) Act 1984, Section 61 is up to date with all changes known to be in force on or before 09 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) View outstanding changes*



# Mental Health (Scotland) Act 1984

1984 CHAPTER 36

<sup>F1F2</sup>PART VI **E+W+S**

DETENTION OF PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS  
ETC. AND TRANSFER OF PATIENTS UNDER SENTENCE

*Provisions for compulsory detention and guardianship  
of patients charged with offences et cetera*

61 ..... **S**

## 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- F1** Act (except ss. 10(1)(b)(c)(2), 95) repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\), s. 333\(2\), sch. 5 Pt. 1](#) (as amended by [S.S.I. 2005/465, art.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- F2** Act (except ss. 10, 95, 130) repealed (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\), art. 1\(2\), Sch.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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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing [1968 c 20 s. 23](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11; S.I. 2005/579, art. 3\(i\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11; S.I. 2005/579, art. 3\(i\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11; S.I. 2005/579, art. 3\(i\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11; S.I. 2005/579, art. 3\(i\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11; S.I. 2005/579, art. 3\(i\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 repealed (31.3.2005) without ever being in force by [2004 c. 28, Sch. 11; S.I. 2005/579, art. 3\(i\)](#))
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Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(1)(aa) inserted by [2000 asp 4 s. 38\(4\)](#)

**Commencement Orders yet to be applied to the Mental Health (Scotland) Act 1984**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/1604 art. 2](#) commences ([2005 c. 4](#))