
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 221

MENTAL HEALTH

**The Mental Health (Care and Treatment) (Scotland) Act 2003
(Transitional and Savings Provisions) Amendment Order 2006**

<i>Made</i>	- - - -	<i>24th April 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>26th April 2006</i>
<i>Coming into force</i>	- -	<i>22nd May 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 332 of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Mental Health (Care and Treatment) (Scotland) Act 2003 (Transitional and Savings Provisions) Amendment Order 2006 and shall come into force on 22nd May 2006.

Amendment of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Transitional and Savings Provisions) Order 2005

2.—(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 (Transitional and Savings Provisions) Order 2005⁽²⁾ is amended in accordance with paragraph (2).

(2) In article 34(7), for each reference to “section 66”, substitute “section 63 or 66”.

St Andrew’s House,
Edinburgh
24th April 2006

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(1) 2003 asp13.
(2) S.S.I. 2005/452.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Mental Health (Care and Treatment) (Scotland) Act 2003 (Transitional and Savings Provisions) Order 2005 (“the 2005 Order”).

Article 34(7) of the 2005 Order makes provision for appeal proceedings which have been commenced before 5th October 2005 under section 66 of the Mental Health (Scotland) Act 1984 (“the 1984 Act”).

Article 2(2) of this Order amends article 34(7) of the 2005 Order by extending the scope of that provision so as to include appeal proceedings commenced before 5th October 2005 under section 63 of the 1984 Act.

The effect of this amendment is that, where a restricted patient has, before 5th October 2005 appealed under section 63 of the 1984 Act to order his discharge and the outcome of the appeal is that the patient is conditionally discharged, the patient is treated as if an order had been made under section 193(7)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”) and any conditions to which the patient was subject at the disposal of the proceedings under section 63 of the 1984 Act are deemed to have been imposed under section 193(7) of the 2003 Act.