



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART III

LOCAL AUTHORITY SERVICES

10 Welfare of certain hospital patients.

- (1) The provisions of this section shall apply to any patient suffering from mental disorder who is—
- (a) a child or young person in respect of whom the rights and powers of a parent are vested in a local authority by virtue of—
 - [^{F1}(i) section 17 of the ^{M1}Social Work (Scotland) Act 1968; or]
 - (ii) section 3 of the ^{M2}Child Care Act 1980 (which relates to the assumption by a local authority of parental rights and duties in relation to a child in their care); or
 - (iii) section 10 of the said Act of 1980 (which relates to the powers and duties of local authorities in England and Wales with respect to persons committed to their care);
 - [^{F2}(aa) a child or young person in relation to whom parental rights and responsibilities have been transferred to a local authority by virtue of section 86(1) of the Children (Scotland) Act 1995;]
 - (b) a person who is under the guardianship of a local authority under [^{F3}the following provisions of this Act or under] the provisions of the ^{M3}Mental Health Act 1983; or
 - (c) a person the functions of whose nearest relative under this Act or under the Mental Health Act 1983 are for the time being transferred to a local authority.
- (2) Where [^{F4} in Scotland, a patient to whom this section applies is (whether for treatment for mental disorder or for any other reason) admitted to any hospital or to accommodation provided by a care home service] then, without prejudice to their duties in relation to the patient apart from the provisions of this section, the authority having rights or functions in relation to him as aforesaid shall arrange for visits to be

Status: Point in time view as at 01/04/2002. This version of this provision has been superseded.

Changes to legislation: Mental Health (Scotland) Act 1984, Section 10 is up to date with all changes known to be in force on or before 28 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)

made to him on their behalf, and shall take such other steps in relation to the patient while in the hospital or [^{F5}accommodation] as would be expected of a parent.

Textual Amendments

- F1** S. 10(1)(a)(i) and word “or” immediately following that subpara. repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 33(2)(a), **Sch. 5**; S.I. 1996/3201, **art. 3(7)** (as substituted (7.3.1997) by S.I. 1997/744, **art. 2**)
- F2** S. 10(1)(aa) inserted (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), **Sch. 4 para. 33(2)(b)**; S.I. 1996/3201, **art. 3(7)** (as substituted (7.3.1997) by S.I. 1997/744, **art. 2**)
- F3** Words in s. 10(1)(b) repealed (S.) (1.4.2002) by 2000 asp 4, s. 88(3), **Sch. 6**; S.S.I. 2001/81, art. 3, **Sch. 2**
- F4** Words in s. 10(2) substituted (S.) (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 11(3)(a); S.S.I. 2002/162, **art. 2(f)(h)** (subject to arts. 3-13)
- F5** Words in s. 10(2) substituted (S.) (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 11(3)(b); S.S.I. 2002/162, **art. 2(f)(h)** (subject to arts. 3-13)

Marginal Citations

- M1** 1968 c. 49.
- M2** 1980 c. 5.
- M3** 1983 c. 20.

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