

*Status: Point in time view as at 14/10/1991.*

*Changes to legislation: Children Act 1989, Cross Heading: The Mental Health (Scotland) Act 1984 (c. 36) is up to date with all changes known to be in force on or before 19 July 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)*

## SCHEDULES

### SCHEDULE 13

#### CONSEQUENTIAL AMENDMENTS

##### *The Mental Health (Scotland) Act 1984 (c. 36)*

50 For section 54 of the Mental Health (Scotland) Act 1984 (children and young persons in care of local authority) there shall be substituted the following section—

**“54 Children and young persons in care of local authority.**

Where—

- (a) the rights and powers of a parent of a patient who is a child or young person are vested in a local authority by virtue of section 16 of the Social Work (Scotland) Act 1968; or
- (b) a patient who is a child or young person is in the care of a local authority by virtue of a care order made under the Children Act 1989, the authority shall be deemed to be the nearest relative of the patient in preference to any person except the patient’s husband or wife (if any).”

#### **Commencement Information**

**II** Sch. 13 para. 50 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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