SCOTTISH STATUTORY INSTRUMENTS

2005 No.161 (C.6)

MENTAL HEALTH

The Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 4) Order 2005

Made - - - - 17th March 2005

The Scottish Ministers, in exercise of the powers conferred by section 333(2), (3) and (4) of the Mental Health (Care and Treatment) (Scotland) Act 2003(**1**), hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Mental Health (Care and Treatment) (Scotland) Act 2003 (Commencement No. 4) Order 2005.

(2) In this Order, "the Act" means the Mental Health (Care and Treatment) (Scotland) Act 2003.

Appointed days

2. The provisions of the Act specified in column 1 of Schedule 1 to this Order and whose subject matter is specified in column 2 of that Schedule shall come into force on 21st March 2005, but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

3. All the provisions of the Act shall, in so far as not then in force, come into force on 5th October 2005, with the exception of Chapter 3 of Part 17 (detention in conditions of excessive security).

4. The provisions of the Act specified in column 1 of Schedule 2 to this Order and whose subject matter is specified in column 2 of that Schedule shall come into force on 6th January 2006 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

St Andrew's House, Edinburgh
17th March 2005

RHONA BRANKIN
A member of the Scottish Executive

(**1**) 2003 asp 13.

SCHEDULE 1 Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 21ST MARCH 2005

Column 1 *Provision of the Act*	*Column 2* *Subject matter*	*Column 3* *Purpose*
Section 15	Medical examination	Only for the purpose of enabling regulations to be made
Section 17	Duties of Scottish Ministers, local authorities and others as respects Commission	Only for the purpose of enabling regulations to be made
Section 22	Approved medical practitioners	Only for the purposes of enabling directions to be made and medical practitioners to be approved
Section 32	Appointment of mental health officers	Only for the purpose of enabling directions to be made
Section 36	Emergency detention in hospital	Only for the purpose of enabling regulations to be made
Section 44	Short term detention in hospital	Only for the purpose of enabling regulations to be made
Section 47	Extension of detention pending application for compulsory treatment order	Only for the purpose of enabling regulations to be made
Section 58	Medical examination: requirements	Only for the purpose of enabling regulations to be made
Section 64	Powers of Tribunal on application under section 63: compulsory treatment order	Only for the purpose of enabling regulations to be made
Section 66	Measures that may be authorised	Only for the purpose of enabling regulations to be made
Section 76	Care plan: preparation, placing in medical records etc.	Only for the purpose of enabling regulations to be made
Section 87	Determination extending order: notification etc.	Only for the purpose of enabling regulations to be made
Section 92	Application to Tribunal	Only for the purpose of enabling regulations to be made

Column 1 *Provision of the Act*	*Column 2* *Subject matter*	*Column 3* *Purpose*
Section 95	Application to Tribunal by responsible medical officer	Only for the purpose of enabling regulations to be made
Section 96	Recorded matters: reference to Tribunal by responsible medical officer	Only for the purpose of enabling regulations to be made
Section 109	Ancillary powers of Tribunal	Only for the purpose of enabling regulations to be made
Section 133	Mentally disordered offenders: compulsion orders	Only for the purpose of enabling regulations to be made
Section 134	Power of court to detain acquitted persons	Only for the purpose of enabling regulations to be made
Section 137	Part 9 care plan	Only for the purpose of enabling regulations to be made
Section 149	Application to Tribunal for extension of order following first review	Only for the purpose of enabling regulations to be made
Section 153	Determination extending compulsion order: notification	Only for the purposes of enabling regulations to be made
Section 158	Application to Tribunal for extension and variation of compulsion order	Only for the purpose of enabling regulations to be made
Section 161	Application to Tribunal by responsible medical officer	Only for the purpose of enabling regulations to be made
Section 173	Applications to Tribunal: ancillary powers	Only for the purpose of enabling regulations to be made
Section 191	Application to Tribunal	Only for the purpose of enabling regulations to be made
Section 231	Social circumstances report: mental health officer's duties	Only for the purpose of enabling regulations to be made
Section 233	Designated medical practitioners	Only for the purposes of enabling regulations to be made, compiling lists of medical practitioners and requiring those medical