STATUTORY INSTRUMENTS

1961 No. 668 (S. 39)

MENTAL HEALTH

The Mental Health (Scotland) Act, 1960 (Appointed Day No. 2) Order, 1961

Made - - - - *4th April*, 1961

In exercise of the powers conferred on me by subsections (1) and (2) of section 117 of the Mental Health (Scotland) Act, 1960(a), I hereby make the following order :—

1. This order may be cited as the Mental Health (Scotland) Act, 1960 (Appointed Day No. 2) Order, 1961.

2. For the purposes of the following provisions of the Mental Health (Scotland) Act, 1960, the appointed day shall be the fifteenth day of May, 1961—

(*a*) section 6 (Definition of mental disorder),

(*b*) section 7 (Functions of local health authorities),

(*c*) section 8 (Functions of welfare authorities),

(*d*) section 9 (Functions of children authorities),

(*e*) section 10 (Welfare of certain hospital patients),

(*f*) section 11 so far as that section amends sections 54, 56 and 57 of the Education (Scotland) Act, 1946(b),

(*g*) section 12 (The training, etc., of persons unsuitable for education and of mental defectives),

(*h*) section 13 (Power to compel attendance at training centres),

(*i*) section 14 (Exemptions in respect of section 13),

(*j*) section 108 (Inquiries),

(*k*) section 109 (Expenses),

(*l*) section 110 (General provisons as to regulations and orders),

(*m*) section 112 so far as that section enacts the transitional provisions contained in paragraphs 1 and 2 of the Third Schedule,

(*n*) sections 1 and 113 so far as those sections repeal section 26 of the Mental Deficiency and Lunacy (Scotland) Act, 1913(c),

(*o*) section 113 so far as that section—

(i) amends sections 63 and 80 of the National Health Service (Scotland) Act, 1947(d), subsection (1) of section 29 and subsection (1) of section 41 of the National Assistance Act, 1948(e), section 39 of the Children Act, 1948(f), and section 15 of the Local Government Superannuation Act, 1953(g), and

(a) 8 & 9 Eliz. 2. c. 61. (b) 9 & 10 Geo. 6. c. 72. (c) 3 & 4 Geo. 5. c. 38.
(d) 10 & 11 Geo. 6. c. 27. (e) 11 & 12 Geo. 6. c. 29. (f) 11 & 12 Geo. 6. c. 43.
(g) 1 & 2 Eliz. 2. c. 25.

(ii) repeals section 58 of the Education (Scotland) Act, 1946, section 51 of the National Health Service (Scotland) Act, 1947, and effects repeals in sections 16, 17, 27, 28 and 80 of the said Act of 1947 and in section 15 of the Local Government Superannuation Act, 1953.

Dated this fourth day of April, 1961.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Section 117 of the Mental Health (Scotland) Act, 1960, provides that the Act shall come into operation on such date as the Secretary of State may by order appoint and that different dates may be appointed for different purposes of the Act. This Order brings into operation (1) section 6 of the Act which defines the term "mental disorder"; (2) provisions contained in Part II of the Act which deal with the functions of local health authorities, welfare authorities and children authorities and which make certain amendments to the Education (Scotland) Act, 1946; and (3) certain general provisions, and provisions making certain consequential repeals and repealing section 26 of the Mental Deficiency and Lunacy (Scotland) Act, 1913. The effect of the repeal of section 26 of the 1913 Act will be to relieve local authorities of the duty to make payments in respect of the maintenance of mental defectives placed under guardianship under that Act.