

*These notes relate to the Mental Health (Care and Treatment) (Scotland)  
Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 16 – Medical Treatment**

#### **Patients incapable of consenting**

#### *Sections 237 to 241: safeguards for other medical treatment*

#### **Electro-convulsive therapy etc**

439. Subsections (1) and (2) of section 237 provide that the types of medical treatment mentioned in subsection (3) may be given to patients to whom the giving of medical treatment is authorised by virtue of the 2003 Act or the 1995 Act, only in accordance with the safeguards set out in sections 238 and 239. Subsection (3) mentions electro-convulsive therapy (ECT) and other types of treatment to be specified in regulations made by the Scottish Ministers, after consultation with appropriate persons.
440. The section is subject to section 243 which allows urgent medical treatment for patients detained in hospital (see paragraphs 457 to 460 below).