



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 16

MEDICAL TREATMENT

Supplementary

245 Certificates under sections 235, 236, 239 and 241

- (1) This section applies to certificates under sections 235, 236, 239 and 241 of this Act.
- (2) A certificate shall contain such particulars as may be prescribed by regulations.
- (3) Before giving a certificate, the person giving it shall consult—
 - (a) subject to subsection (4) below—
 - (i) the patient; and
 - (ii) the patient's named person; and
 - (b) such person or persons as appear to the person giving the certificate to be principally concerned with the patient's medical treatment.
- (4) The person giving a certificate need not consult any person such as is mentioned in paragraph (a) of subsection (3) above in any case where it is impracticable to do so.
- (5) A person who gives a certificate shall, before the expiry of the period of 7 days beginning with the day on which the certificate is given, send a copy of it to the Commission.

246 Certificates under section 238

A certificate under section 238 of this Act shall contain such particulars as may be prescribed by regulations.

247 Scope of consent or certificate under sections 235, 236, 238, 239 and 241

Any—

- (a) consent; or
- (b) certificate,

given under section 235, 236, 238, 239 or 241 of this Act may relate to a plan of treatment under which (whether during a specified period or otherwise) one or more of the types of treatment to which the consent or certificate relates is to be given to the patient.

248 Sections 235, 236, 238, 239 and 241: review of treatment etc.

- (1) Where medical treatment is given to a patient by virtue of section 235, 236, 239 or 241 of this Act, the patient's responsible medical officer shall—
 - (a) on the next occasion after the giving of the treatment on which the patient's responsible medical officer submits a record to the Tribunal under section 87(2)(b) of this Act or, as the case may be, makes an application to the Tribunal under section 92 of this Act; or
 - (b) at such other time as the patient's responsible medical officer is required to do so by the Commission,
submit to the Commission a report as to the treatment given and the patient's condition.
- (2) The Commission may at any time by notice to the patient's responsible medical officer revoke, with effect from such time as may be specified in the notice, a certificate given under section 235(2) or (3), 236(2) or (3), 238(1), 239 or 241(1) of this Act.
- (3) A time specified in a notice under subsection (2) above may not be earlier than the time of the notice.