



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

## 2003 asp 13

### PART 17

#### PATIENT REPRESENTATION ETC.

### CHAPTER 3

#### DETENTION IN CONDITIONS OF EXCESSIVE SECURITY

*Enforcement: civil proceedings*

#### **272 Proceedings for specific performance of statutory duty**

- (1) The duties imposed by virtue of—
- (a) an order under section 264(2) of this Act;
  - (b) an order under subsection (3) of section 265 of this Act which specifies the period mentioned in paragraph (b)(ii) of that subsection;
  - (c) an order under section 268(2) of this Act; or
  - (d) an order under subsection (3) of section 269 of this Act which specifies the period mentioned in paragraph (b)(ii) of that subsection,
- shall not be enforceable by proceedings for specific performance of a statutory duty under section 45(b) of the Court of Session Act 1988 (c. 36).
- (2) Without prejudice to the rights of any other person, the duties imposed by virtue of—
- (a) an order under subsection (3) of section 265 of this Act which specifies the period mentioned in paragraph (b)(i) of that subsection;
  - (b) an order under section 266(3) of this Act;
  - (c) an order under subsection (3) of section 269 of this Act which specifies the period mentioned in paragraph (b)(i) of that subsection; or
  - (d) an order under section 270(3) of this Act,

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*Status: This is the original version (as it was originally enacted).*

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shall be enforceable by proceedings by the Commission for specific performance of a statutory duty under section 45(b) of that Act of 1988.