



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

2003 asp 13

PART 16

MEDICAL TREATMENT

Safeguards for other medical treatment

240 Treatments given over period of time etc.

- (1) This section applies where the giving of medical treatment to a patient is authorised by virtue of this Act or the 1995 Act.
- (2) Subject to subsection (4) below and to section 243 of this Act, the types of treatment mentioned in subsection (3) below, when given as treatment for mental disorder or in consequence of the patient having a mental disorder, may be given to the patient only in accordance with section 238 or 241 of this Act.
- (3) The types of treatment referred to in subsection (2) above are—
 - (a) any medicine (other than the surgical implantation of hormones) given for the purpose of reducing sex drive;
 - (b) any other medicine;
 - (c) provision, without the consent of the patient and by artificial means, of nutrition to the patient; and
 - (d) such other types of treatment as may be specified in regulations for the purposes of this section.
- (4) Subsection (2) above does not apply to the giving of medicine in a relevant period until 2 months have passed since the patient was first in the relevant period given any medicine that was not, when given, a treatment specified under subsection (3)(d) above or section 234(2)(b) or 237(3)(b) of this Act.
- (5) The Scottish Ministers may by order amend subsection (4) above for the purpose of substituting a period specified in the order for (as the case may be)—
 - (a) the period of 2 months mentioned in that subsection; or

***Changes to legislation:** Mental Health (Care and Treatment) (Scotland) Act 2003, Section 240 is up to date with all changes known to be in force on or before 18 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) the period that is for the time being mentioned in that subsection in place of that period of 2 months.
- (6) For the purposes of subsection (4) above—
“medicine” does not include medicine such as is mentioned in paragraph (a) of subsection (3) above or any treatment specified in regulations under paragraph (d) of that subsection; and
“relevant period”, in relation to a patient, means any period during which the giving of medical treatment to the patient is authorised by virtue of this Act or the 1995 Act.
- (7) Before making regulations under subsection (3)(d) above the Scottish Ministers shall consult such persons as they consider appropriate.

Modifications etc. (not altering text)

- C1** S. 240(2) restricted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (Transitional and Savings Provisions) Order 2005 (S.S.I. 2005/452), arts. 1, **36(2)**
- C2** S. 240(4) excluded (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) (Transitional and Savings Provisions) Order 2005 (S.S.I. 2005/452), arts. 1, **36(2)**
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Commencement Information

- I1** S. 240 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, **Sch. 1**
- I2** [S. 240](#) in force at 5.10.2005 in so far as not already in force by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)