



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 2

ADVOCACY ETC.

Information

[^{F1}261A Help with communication at medical examination etc.

- (1) Subsection (2) below applies where—
 - (a) a medical examination or interview referred to in subsection (4)(a) or (b) below is to be carried out, and
 - (b) the subject of it—
 - (i) has difficulty in communicating, or
 - (ii) generally communicates in a language other than English.
- (2) The appropriate person must take all reasonable steps to secure that, for the purpose of enabling the subject of the medical examination or interview to communicate during it—
 - (a) arrangements appropriate to the subject's needs are made, or
 - (b) the subject is provided with assistance, or material, appropriate to those needs.
- (3) As soon as practicable after taking any steps under subsection (2) above, the appropriate person must make a written record of the steps.
- (4) This subsection refers to—
 - (a) a medical examination by virtue of section 36(1)(a), 44(1)(a), 57(2) or 136(2) of this Act,

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 261A 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) an interview by virtue of—
 - (i) section 45(1)(a) or 61(2)(a) of this Act, or
 - (ii) section 57C(2)(a) or 59B(2)(a) of the 1995 Act.
- (5) In subsections (2) and (3) above, “the appropriate person” means—
 - (a) in relation to a medical examination by virtue of section 136(2) of this Act, the Scottish Ministers,
 - (b) in relation to a medical examination by virtue of any of the other sections of this Act mentioned in subsection (4)(a) above—
 - (i) if it is to be carried out at a hospital, the managers of the hospital,
 - (ii) if it is to be carried out elsewhere, the medical practitioner carrying it out,
 - (c) in relation to an interview referred to in subsection (4)(b) above—
 - (i) if it is to be carried out at a hospital, the managers of the hospital,
 - (ii) if it is to be carried out elsewhere, the mental health officer carrying it out.]

Textual Amendments

- F1** S. 261A inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), ss. **28(2)**, 61(2); S.S.I. 2017/197, art. 2, sch.

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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\(3\)](#)