



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

## 2003 asp 13

### PART 18

#### MISCELLANEOUS

##### *Parental relations*

#### **278 Duty to mitigate adverse effect of compulsory measures on parental relations**

(1) Subsection (2) below applies—

(a) where—

- (i) a child is subject to any measures authorised by virtue of this Act or authorised, in consequence of the child's mental disorder, by virtue of the 1995 Act; and
- (ii) the measures will or will be likely to impair the personal relations or diminish direct contact between the child and any person with parental responsibilities in relation to the child; or

(b) where—

- (i) a person with parental responsibilities in relation to a child is subject to any measures authorised by virtue of this Act or authorised, in consequence of the person's mental disorder, by virtue of the 1995 Act; and
- (ii) the measures will or will be likely to impair the personal relations or diminish direct contact between that person and the child.

(2) Every person having functions by virtue of this Act which include responsibility for the administration of any of the measures mentioned in subsection (1) above shall take such steps as are practicable and appropriate to mitigate the impairment or diminution referred to in that subsection or, as the case may be, the likelihood of that impairment or diminution.

(3) In this section, “child” and “parental responsibilities” have the same meanings as they have in Part I of the Children (Scotland) Act 1995 (c. 36).

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**Changes to legislation:** Mental Health (Care and Treatment) (Scotland) Act 2003, Section 278 is up to date with all changes known to be in force on or before 25 May 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](#)

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#### **Commencement Information**

- II** S. 278 in force at 5.10.2005 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\(3\)](#)