



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

2003 asp 13

PART 18

MISCELLANEOUS

Communications, security etc.

282 Correspondence: supplementary

- (1) If a postal packet or anything contained in it is withheld under subsection (1) or (6) of section 281 of this Act, the managers of the hospital shall record that fact in writing.
- (2) If a postal packet or anything contained in it is withheld under—
 - (a) subsection (1) of section 281 of this Act by virtue of subsection (3) of that section; or
 - (b) subsection (6) of that section,the managers of the hospital shall, before the expiry of the period of 7 days beginning with the withholding of the packet or anything contained in it, give notice to the Commission of the matters mentioned in subsection (3) below.
- (3) Those matters are—
 - (a) the name of the specified person;
 - (b) the nature of the postal packet or contents withheld; and
 - (c) the reason for withholding the postal packet or contents.
- (4) If a postal packet or anything contained in it is withheld under—
 - (a) subsection (1) of section 281 of this Act by virtue of subsection (3) of that section; or
 - (b) subsection (6) of that section,the managers of the hospital shall, before the expiry of the period of 7 days beginning with the withholding of the packet or anything contained in it, give notice to the persons mentioned in subsection (5) below of the fact that the postal packet or anything contained in it has been withheld and the effect of section 283 of this Act.

- (5) Those persons are—
- (a) the specified person; and
 - (b) in a case where the packet is withheld as mentioned in paragraph (b) of subsection (4) above, the person by whom the packet was sent (if known).
- (6) The functions under section 281 of this Act and this section of the managers of a hospital shall be discharged on their behalf by a person on the staff of the hospital appointed by them for that purpose; and different persons may be so appointed to discharge different functions.
- (7) Regulations may—
- (a) make provision with respect to the exercise of the powers conferred by section 281 of this Act;
 - (b) make provision for that section and this section to apply as if references to postal packets included references to written communications by the means specified in the regulations, with such modifications as may be so specified.
- (8) In this section—
- “postal packet” has the same meaning as in section 281 of this Act; and
- “specified person” has the same meaning as in that section.