



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

2003 asp 13

PART 21

OFFENCES

315 Ill-treatment and wilful neglect of mentally disordered person

- (1) This section applies to a person (a “relevant person”) who—
- (a) is an individual employed in, or contracted to provide services in or to, a hospital;
 - (b) not being the Scottish Ministers, is a manager of a hospital;
 - (c) provides care services; or
 - (d) is an individual who, otherwise than—
 - (i) by virtue of a contract of employment or other contract with any person; or
 - (ii) as a volunteer for a voluntary organisation, provides care or treatment.
- (2) A relevant person who—
- (a) whether under this Act or otherwise—
 - (i) is providing care or treatment; or
 - (ii) purports to provide care or treatment, to a patient; and
 - (b) ill-treats, or wilfully neglects, that patient,
- shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (2) above shall be liable—
- (a) on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding [F15] years or to a fine or to both.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 315 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

[^{F2}(4) In subsection 1(c), “provides care services” means anything done—

- (a) by a care service,
- (b) by an employee of a care service, or
- (c) in the course of a service provided or supplied by a care service,

whether by virtue of a contract of employment or any other contract or in circumstances as may be prescribed by regulations.]

[^{F3}(5) For the purposes of subsection (4), “care service” means a service mentioned in section 47(1)(a), (b), (d), (f), (g), (j) or (m) of the Public Services Reform (Scotland) Act 2010.]

Textual Amendments

- F1** Word in s. 315(3)(b) substituted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 32(a)**, 36(2); S.S.I. 2017/294, reg. 2, sch.
- F2** S. 315(4) substituted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 32(b)**, 36(2); S.S.I. 2017/294, reg. 2, sch.
- F3** S. 315(5) inserted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), **ss. 32(c)**, 36(2); S.S.I. 2017/294, reg. 2, sch.
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Commencement Information

- I1** S. 315 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)

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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\(3\)](#)