



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 2 years or to a fine or to both.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (1)(c) above, the reference to the provision of care services shall be construed in accordance with section 313(5) of this Act.