



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

2003 asp 13

## PART 4

### HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

#### CHAPTER 2

##### LOCAL AUTHORITY FUNCTIONS

###### *Duty to inquire into individual cases*

### **33 Duty to inquire**

- (1) Where it appears to a local authority that—
  - (a) a person in their area who is aged 16 years or over has a mental disorder; and
  - (b) any of the circumstances mentioned in subsection (2) below apply,the authority shall cause inquiries to be made into the person's case.
- (2) Those circumstances are—
  - (a) that the person may be, or may have been, subject, or exposed, at some place other than a hospital to—
    - (i) ill-treatment;
    - (ii) neglect; or
    - (iii) some other deficiency in care or treatment;
  - (b) that, because of the mental disorder, the person's property—
    - (i) may be suffering, or may have suffered, loss or damage; or
    - (ii) may be, or may have been, at risk of suffering loss or damage;
  - (c) that the person may be—
    - (i) living alone or without care; and
    - (ii) unable to look after himself or his property or financial affairs;

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***Status:** This is the original version (as it was originally enacted).*

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- (d) that the person is not in hospital and, because of the mental disorder, the safety of some other person may be at risk.