



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

2003 asp 13

## PART 7

### COMPULSORY TREATMENT ORDERS

#### CHAPTER 1

##### APPLICATION FOR, AND MAKING OF, ORDERS

###### *Pre-application procedures*

#### **58 Medical examination: requirements**

- (1) The requirements referred to in section 57(2) of this Act are set out in subsections (2) to (6) below.
- (2) Subject to subsection (4) below and to regulations under subsection (5) below—
  - (a) each medical examination of the patient shall be carried out by an approved medical practitioner; and
  - (b) subject to subsection (6) below, each such examination shall be carried out separately.
- (3) Where the medical examinations are carried out separately, the second shall be completed no more than five days after the first.
- (4) The patient's general medical practitioner may carry out one of the medical examinations of the patient although not an approved medical practitioner.
- (5) Except in circumstances specified in regulations, there must not be a conflict of interest in relation to the medical examination; and regulations shall specify the circumstances in which there is to be taken to be such a conflict of interest.
- (6) The medical examinations need not be carried out separately if—

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**Status:** *This is the original version (as it was originally enacted).*

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- (a) where the patient is capable of consenting to the examinations, the patient consents to the examinations being carried out at the same time; or
- (b) where the patient is incapable of consenting to the examinations—
  - (i) the patient’s named person;
  - (ii) any guardian of the patient; or
  - (iii) any welfare attorney of the patient,consents to the examinations being carried out at the same time.