



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 1

#### THE 2003 ACT

##### *Orders regarding level of security*

#### **14 Requirement for medical report**

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) In section 264 (detention in conditions of excessive security: state hospitals), after subsection (7) there is inserted—

“(7A) An application may not be made under subsection (2) above unless it is accompanied by a report prepared by a medical practitioner which—

- (a) states that in the practitioner's opinion the patient does not require to be detained under conditions of special security that can be provided only in a state hospital, and
- (b) sets out the practitioner's reasons for being of that opinion.”.

(3) In section 268 (detention in conditions of excessive security: hospitals other than state hospitals), after subsection (7) there is inserted—

“(7A) An application may not be made under subsection (2) above unless it is accompanied by a report prepared by a medical practitioner which—

- (a) states that in the practitioner's opinion the test specified in regulations made under section 271A(2) of this Act is met in relation to the patient, and
- (b) sets out the practitioner's reasons for being of that opinion.”.

#### **Commencement Information**

**II** S. 14 in force at 16.11.2015 by S.S.I. 2015/361, art. 2 (with arts. 3, 6)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 14.