



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

2003 asp 13

PART 18

MISCELLANEOUS

Communications, security etc.

283 Review of decision to withhold postal packet

- (1) This section applies where a relevant item is withheld under—
 - (a) subsection (1) of section 281 of this Act by virtue of subsection (3) of that section; or
 - (b) subsection (6) of that section.
- (2) On an application—
 - (a) in the case where a relevant item is withheld as mentioned in paragraph (a) of subsection (1) above, by the specified person; or
 - (b) in the case where a relevant item is withheld as mentioned in paragraph (b) of that subsection, by—
 - (i) the specified person; or
 - (ii) the person by whom the postal packet was sent,the Commission shall review the decision to withhold the relevant item.
- (3) Any application under subsection (2) above shall be made before the expiry of the period of 6 months beginning with the day on which the person making the application receives notice under section 282(4) of this Act.
- (4) On an application under subsection (2) above the Commission may direct that the relevant item should not be withheld; and the managers of the hospital concerned shall comply with any such direction.
- (5) Regulations may make provision with respect to the making of applications under subsection (2) above.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 283 is up to date with all changes known to be in force on or before 15 January 2024. 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

(6) Regulations under subsection (5) above may in particular make provision as to the production to the Commission of relevant items.

(7) In this section—

“postal packet” has the same meaning as in section 281 of this Act;

“relevant item” means a postal packet or anything contained in it; and

“specified person” has the same meaning as in that section.

Commencement Information

I1 S. 283 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, [Sch. 1](#)

I2 S. 283 in force at 5.10.2005 in so far as not already in force 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\(3\)](#)