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.

F1(5) . . . . . .

(6) The medical examinations need not be carried out separately if—

(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—

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 58 is up to date with all changes known to be in force on or before 28 May 2023. 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*

(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.

Textual Amendments

F1 S. 58(5) repealed (30.6.2017) by Mental Health (Scotland) Act 2015 (asp 9), **ss. 29(3)(d)**, 61(2); S.S.I. 2017/197, art. 2, sch.

Commencement Information

I1 S. 58 in force at 21.3.2005 for specified purposes by S.S.I. 2005/161, art. 2, **Sch. 1**

I2 S. 58 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)

Changes to legislation:
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View outstanding changes

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)