SCOTTISH STATUTORY INSTRUMENTS

2005 No. 401

The Mental Health (Safeguards for Certain Informal Patients) (Scotland) Regulations 2005

Patients incapable of consenting to medical treatment

4.—(1) Subject to paragraph (2), medical treatment may be given to a patient on condition that a designated medical practitioner certifies in writing that–

(a) the patient is incapable of understanding the nature, purpose and likely effects of the medical treatment;

(b) having regard to the likelihood of its alleviating, or preventing, a deterioration in the patient's condition, it is in the patient's best interests that the medical treatment should be given; and

(c) a person having parental responsibilities and parental rights in respect of the patient has consented in writing to the medical treatment being given to the patient.

(2) Paragraph (1) above does not authorise the giving of medical treatment by force to a patient.

(3) If the person referred to in paragraph (1)(c) withdraws consent to the treatment (in writing or otherwise) at any time before its completion, this regulation shall then apply as if the remainder of the treatment were a separate treatment.