
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 452

**The Mental Health (Care and Treatment) (Scotland) Act
2003 (Transitional and Savings Provisions) Order 2005**

PART 11

GENERAL

Treatments given over a period of time

36.—(1) In relation to an existing patient, the relevant period for the purposes of section 240 of the 2003 Act is any period during which the giving of medical treatment to the patient is authorised by the 1984 Act, the 1995 Act or the 2003 Act.

(2) Where immediately before 5th October 2005, in respect of an existing patient, 2 months or more have passed since that patient was first given any medicine in a relevant period, notwithstanding sub section (4) of section 240 of the 2003 Act, sub section (2) of that section does not apply to the giving of medicine to that patient until 12th October 2005.

(3) Where immediately before 5th October 2005 the conditions have been fulfilled for the giving of medical treatment to an existing patient under section 97 or 98 of the 1984 Act and copies of certificates given under section 97(2) or 98(3) as appropriate have been sent to the Mental Welfare Commission, but such treatment has not been given or has not been completed, such treatment may be given or completed unless at any time before completion of the treatment the patient withdraws consent to the treatment or to a plan of treatment that includes the treatment.

(4) The provisions of section 248 of the 2003 Act shall apply to the medical treatment mentioned in paragraph (3) as if the reference in that section to sections 235, 236, 239 or 241 were a reference to sections 97 or 98 of the 1984 Act and as if the reference in that section to sections 235(2) or (3), 236(2) or (3), 238(1), 239 or 241(1) were a reference to sections 97(2) or 98(3)(b) of the 1984 Act.