### SCOTTISH STATUTORY INSTRUMENTS

## 2008 No. 316

### MENTAL HEALTH

# The Mental Health (Certificates for Medical Treatment) (Scotland) Amendment Regulations 2008

Made - - - - 18th September 2008
Laid before the Scottish
Parliament - - - 19th September 2008
Coming into force - 12th October 2008

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 245(2), 246(1) and 325 of the Mental Health (Care and Treatment) (Scotland) Act 2003(1) and all other powers enabling them to do so.

### Citation and commencement

1. These Regulations may be cited as the Mental Health (Certificates for Medical Treatment) (Scotland) Amendment Regulations 2008 and come into force on 12th October 2008.

# Amendment of the Mental Health (Certificates for Medical Treatment) (Scotland) Regulations 2005

- **2.** In Schedule 2 of the Mental Health (Certificates for Medical Treatment) (Scotland) Regulations 2005(2)–
  - (a) for parts 1 and 2 of Form T1 substitute parts 1 and 2 of Form T1 in the Schedule to these Regulations;
  - (b) for Form T2 substitute Form T2 in the Schedule to these Regulations; and
  - (c) for parts 1, 2 and 3 of Form T3 substitute parts 1, 2 and 3 of Form T3 in the Schedule to these Regulations.

<sup>(1) 2003</sup> asp 13.

<sup>(2)</sup> S.S.I. 2005/443.

St Andrew's House, Edinburgh 18th September 2008

S ROBISON Authorised to sign by the Scottish Ministers

### **SCHEDULE**

Regulation 2

Form T1 Parts 1 and 2 Form T2 Form T3 Parts 1, 2 and 3

T: FART1	To be completed by the	38/2							
TMIPT Melis Isee och									
Full name and profession	at address of DMP who is providing the cectificate								
Sumame									
First Name									
GMC Number									
Artdress									
Postcode									
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Complete the appropria	opson								
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f, the above named DM	, confern that:								
(a) the above named patient is capable of consenting to the treatment									
○ (b) the patient has consented to the treatment in writing									
(c) 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 treatment should be given to the patient									
B-complete share-	ofices is Incapable of Consent to Treatment								
I the above named DM	configurations:								

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where the patient is a child jumder the age of 10) and the potentia PAKO is NOT a child specialist, then the DNF must be a child specialist (where a shill specialist is a medical practitioner who has such qualifications or experience in relation to children as the Neutral Welfare Commission may determine from time to time).

 $\Diamond$  (c) 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 treatment should be given to the patient

O (a) the above named patient is incapable of consenting to the treatment

 $\bigcirc$  (b) the patient is not objecting to the treatment; and

In direct back	
The freatment unde	r section 234(2) consisted of (shade as appropriate) :
{€ tarain	operation for destroying- desulo: in inclinning of brevo tissuo
🔿 - (b) the treatmen	d kramura as disasp- tarain socraulation
Prescription of the fr	eagre-pi(s) including the Reguesicy and duration of irrefinent.
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Signed tyle (SP	0360
Date	
The DMP should can counter-signed by e	indiese Pares 3 & 4 (using 1) where applicable and then unsure that Part 5 (page 5) is complished and nich in the Mennal Welfram Commission, appointmen.

A capy of the whole of term 14 should from his part to the Memori Welfere Commester within source days of issuing the customer

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राज्य Medical Pedical and Treatment (Scatter \$452 2593 (New Act) Certificate Of Consent To Treatment

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Ac section 237(3): electro-	COO	redsi	aves ti	hera	py (t	:C3	), vi	gus e	ev:	sti	irmu)	ativo	n ()	/NO	), ar	शंका	SCHOOL	at ma	13 H	йс, я	äry.	áatio	o (T)	<b>(H)</b>
B: section 24X3y: any medicine joins that the surgical implantation of horseness) given for the purpose of victorial payorism medicine given beyond a people of 2 months since the start of computacy tradecast, and provision, without consent of the patient and by arbifold recent, or notifier to the patient and by arbifold recent, or notifier to the patient.																								
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The patient is detained in, or under the management / care of:																								
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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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C (a) the patient is capable of consorting to the heatment below.																									
(b) the patient has consented in writing to the treatment listed on this certificate (see notes); (c) the giving of medical treatment to the patient is authorised by virtue of the Montat Health (Care and Treatment) (Cast																									
(Scotland) Act 2003, or the Criminat Procedures (Scotland) Act 1995;  (ii) having regard to the firetithood of its allowating, or proventing a deterioration in, the patient's condition, it is in the emblack board interactive that the terretized when the defendance when the regiment over emblack const.																									
polition's best interests that the treatment should be given to the patient; and  (e) a copy of the patient's consent in withing is attached.																									
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		Tolse	completed by the DMC to FRM.										
The treatment cover	ad by this continuate is:												
Treatment covered by section 237	○ EG4 constant spectron 28/(3 ○ VHS as TIMS (being break	(j.a) mente apecifica in regulatione unater section 2074											
Treatment covered by section 248	्र आपूर साम्बद्धाताल (श्रीकार प्रेस्का ्र आपूर प्रिस्ट सम्बद्धाताल झंगळा	O any medicine (other than the surgical implantation of interceives) given for the preprise of including ser rither or any other maticine given beyond a partial of 2 mertine since the chart of computation fractioners. O provision, without consent of the patient and by artificial incases, of nutrition to the patient.											
Note: if treatments under sections 137 ANO 140 are required, separate certificates most be completed													
	liret given to the patient on earnepy's including trequen		Note: this is any conjured for months. The product down boyond his months. The product of cramp also by leading the second societies and products are confined to the confidence are religiously as confined that claims are the procedure. Confidence if you confidence is not confidence in the confidence										
Continues on by R													
Certified by	the RMO (C) the DMP												
Signature		9.06											
Date													

A copy of this form should be sent to the Mestal Westere Conscission

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### CLIPSACE in transfer contract section 257(3) - neitrines for port by FLS, VNS neit (MS)

The treatment covered by this certificate is:

- © ECT under section 237/3¥(a)
- $\odot$  VNS or TMS (being treatments specified in regulations under section 237(3)(b))

f, the above named DMP, not being the patient's RMC certify that:

the patient is magnified of understanding the nature, purpose and fixely effects of the treatment; and the giving of medical treatment to the patient is authorised by virtue of the Act, or the Commai Procedure (Scotland) Act 1935, and

Complish: A or B on appropriate for treatments under neutron 237(2)

the patient is NOT resisting or objecting to treatment, and 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 treatment should be given.

- the patient is resisting or objecting to treatment, and it is recessary to give treatment to the patient for the purpose of
- C. (a) saving the patient's life;
  - $\odot$  (b) preventing senious detendration in the patient's consistent
  - $\odot$  (c) alleviating serious suffering on the part of the patient.

#### Now complete PART 3

Where this gastests is under the age of 40, periffication MUST be an Adlaws - when the proberts shall be achieved an extraction of the proberts shall be achieved by a dissipated moderal procedural approvad by the Montal Western Commission whose his proberts Station and public achieves the achieve achieves the achieves and consideration approved by the Commission one is a wind specialistic and achieves a proberts and achieves a proberts and achieves a procedural continuous approved by the Commission one is a wind specialistic achieves a procedural by the Commission on its activities and achieves a procedural proberts and achieves a procedural procedural proberts and achieves a procedural procedur

Where the patern is not in hospital the above certificate does not authorise the giving of maximum by force to the patent

15/15661.7 In the considerable by the UNIT To discovery and a section 247.0 and a sector medicining, have named a natural se
The treatment covered by this certificate is:
<ul> <li>any nections (offer then the surgical implactation of hormones) given for the purpose of reducing sex drive;</li> </ul>
(i) any other medicine given beyond 2 months since the elant of compulsory treatment;
<ul> <li>provision, without consent of the patient and by addition reans, of nutrition to the patient</li> </ul>
I, the above named OMP, not being the station's RMO outly that.
the giving of medical treatment to the patient is authorised by virtue of the Act, or the Conneal Procedure (Scotland) Act 1995; and
having regard to the likelihood of its alleviating, or preventing a deterioration is, the patient a condition, it is in the patient's best interests that the treatments below should be given; and
Crime patient is capable of consenting, but does not consent, or
6.2 the parient is incapable of consenting to the treatment become;
if the patient is capable of consenting, but is refusing consent, complete reasons why the is estimated should be given.

Now complete PART 3

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TRIPLETTS	*********			To be compared by the CMP
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Date.	//[			

### **EXPLANATORY NOTE**

(This note is not part of the Regulations)

These Regulations substitute the prescribed contents of forms T1, T2 and T3 which are to be used for giving certificates under sections 235, 236, 238, 239 and 241 of the Mental Health (Care and Treatment) (Scotland) Act 2003. The certificates are in respect of the patient's consent to certain types of medical treatment and the patient's best interests with regard to giving that treatment.