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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 174**

**The Mental Health (Conflict of Interest) (Scotland) Regulations 2017**

**Medical examination – compulsory treatment order**

4.—(1) The circumstances in which there is to be taken to be a conflict of interest in relation to the medical examination for the purposes of section 57(2) (mental health officer’s duty to apply for compulsory treatment order) are where—

- (a) either medical practitioner is related to the patient in any degree specified in the schedule;
- (b) the medical practitioners are related to each other in any degree specified in the schedule;
- (c) it is proposed that the compulsory treatment order should authorise the detention of the patient in an independent health care service and both medical practitioners are employed by or contracted to provide services in or to that independent health care service;
- (d) other than in the circumstances described in paragraph (3), it is proposed that the compulsory treatment order should authorise the detention of the patient in a hospital other than an independent health care service and both medical practitioners are employed by or contracted to provide services in or to that hospital.

(2) For the purposes of paragraph (1)(d), a medical practitioner shall be regarded as being employed by or contracted to provide services in or to a hospital only if they work wholly or mainly in that hospital.

(3) The circumstances are where one of the medical practitioners concerned is a consultant and the other does not work directly with or under the supervision of that consultant.