



# Mental Health (Scotland) Act 1984

## 1984 CHAPTER 36

### PART V

#### ADMISSION TO AND DETENTION IN HOSPITAL AND GUARDIANSHIP

##### *Appeals: hospital*

#### **35 Appeals to the sheriff: hospital**

- (1) Where an appeal lies to the sheriff in respect of a report on a patient under any of sections 26, 30 or 34 of this Act, the managers of the hospital where the patient is liable to be detained shall, when intimating that a report has been furnished in pursuance of any of the said sections, inform any person having a right so to appeal, whether the patient or his nearest relative or both, of that right and of the period within which it may be exercised.
- (2) An appeal under any of the said sections shall be made by way of summary application to a sheriff of the sheriffdom—
  - (a) within which the patient is resident at the time when the appeal is made ; or
  - (b) where the patient is a resident patient in a hospital at the time when the appeal is made, within which the hospital is situated.
- (3) For the purpose of advising whether any appeal to the sheriff under any of the said sections should be made by or in respect of a patient who is liable to be detained under this Part of this Act, or of furnishing information as to the condition of a patient for the purposes of such an appeal or of advising the nearest relative of any such patient as to the exercise of any power to order the discharge of the patient, any medical practitioner authorised by or on behalf of the patient or by the nearest relative of the patient, as the case may be, may, at any reasonable time, visit the patient and may examine him in private.
- (4) Any medical practitioner authorised for the purposes of subsection (3) of this section to visit and examine a patient may require the production of and inspect any records relating to the detention or treatment of the patient in any hospital.