

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 16 – Medical Treatment**

#### **Designated medical practitioners**

##### *Section 233: designated medical practitioners*

426. Subsection (1) of section 233 requires the Commission to maintain a list of medical practitioners (referred to in the 2003 Act as “designated medical practitioners”) who will perform functions under this Part. As well as having such qualifications and experience as the Commission considers appropriate, designated medical practitioners must undergo training if required to do so by the Commission.
427. The Commission is required to include child specialists on the list. Part 16 requires that such a specialist should be involved in certain treatment decisions about a child or young person which attract special safeguards.
428. Subsection (4) confers certain powers on designated medical practitioners to allow them to perform the functions given to them under this Part, namely powers to:
- interview the patient in private;
  - carry out a medical examination of the patient in private;
  - require those holding the relevant medical records to produce them; and
  - inspect the records produced.
429. There is provision in subsection (6) for the Commission to pay fees, expenses or allowances to designated medical practitioners.