

These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 18 – Miscellaneous

Informal patients

Section 291: application to Tribunal in relation to unlawful detention

575. **Section 291** provides that where a patient has been admitted to hospital informally to receive treatment primarily for a mental disorder, that patient or any other person specified in subsection (4) may apply to the Tribunal for an order requiring the managers of the hospital to cease to detain the patient. If the Tribunal determines that the patient is being unlawfully detained, it will make an order requiring that the detention cease.
576. These provisions do not interfere with any existing rights a patient may have to challenge in the courts or seek redress for any unlawful interference with his or her liberty.