

*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**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4 – Local Authority and Health Board Functions**

##### *Chapter 2: local authority functions*

##### *Sections 25 to 35*

#### **Charging for services**

50. [Section 28](#) amends section 87 of the Social Work (Scotland) Act 1968 and sections 2 and 22(1) of the Community Care and Health (Scotland) Act 2002, so that:
- a local authority providing a service under sections 25 to 27 may recover such charge (if any) for it as it considers reasonable;
  - if a patient utilises a service provided under these sections and satisfies the authority that they cannot afford to pay the charge for the service provided, the authority must only charge what that patient can practically afford; and
  - the Scottish Ministers may by regulations exclude certain services from any charging regime under these provisions.