



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 4

HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

CHAPTER 2

LOCAL AUTHORITY FUNCTIONS

Co-operation and assistance

30 Co-operation with Health Boards and others

- (1) In providing services for a person under any of sections 25 to 27 of this Act, a local authority shall co-operate with any—
- (a) Health Boards;
 - (b) Special Health Boards;
 - (c) National Health Service trusts; or
 - (d) voluntary organisations,
- that appear to the authority to have an interest, power or duty mentioned in subsection (2) below.
- (2) Such an interest, power or duty is—
- (a) an interest in the provision of services by the local authority under any of sections 25 to 27 of this Act; or
 - (b) a power or duty to provide or secure the provision of services, or an interest in the provision of services,
- for the person.

31 Assistance from Health Boards and others

- (1) Where it appears to a local authority that the assistance of a Health Board, a Special Health Board or a National Health Service trust—
 - (a) is necessary to enable the authority to perform any of their duties under section 25 or 26 of this Act; or
 - (b) would help the authority to perform any of those duties,the authority may request the Health Board, Special Health Board or National Health Service trust to co-operate by providing the assistance specified in the request.
- (2) A Health Board, a Special Health Board or a National Health Service trust receiving a request under subsection (1) above shall, if complying with the request—
 - (a) would be compatible with the discharge of its own functions (whether under any enactment or otherwise); and
 - (b) would not prejudice unduly the discharge by it of any of those functions, comply with the request.
- (3) This section is without prejudice to section 21 of the Children (Scotland) Act 1995 (c. 36) (which enables a local authority to require assistance from a Health Board, a National Health Service trust or others in the exercise of the authority's functions under Part II of that Act).