



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 2

ADVOCACY ETC.

Information

261 Provision of assistance to patient with communication difficulties

- (1) This section applies where—
- (a) a patient is detained in hospital by virtue of—
 - (i) this Act; or
 - (ii) the 1995 Act; or
 - (b) though not detained in hospital, a patient is subject to—
 - (i) an emergency detention certificate;
 - (ii) a short-term detention certificate;
 - (iii) a compulsory treatment order;
 - (iv) an interim compulsory treatment order;
 - (v) an assessment order;
 - (vi) a treatment order;
 - (vii) a hospital direction;
 - (viii) a transfer for treatment direction;
 - (ix) an interim compulsion order; or
 - (x) a compulsion order,
- and the patient has difficulty in communicating or generally communicates in a language other than English.

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 261 is up to date with all changes known to be in force on or before 29 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) The appropriate person shall take all reasonable steps to secure that, for the purpose of enabling the patient to communicate during each of the events mentioned in subsection (3) below—
- (a) arrangements appropriate to the patient’s needs are made; or
 - (b) the patient is provided with assistance, or material, appropriate to the patient’s needs.
- (3) Those events are—
- (a) any medical examination of the patient carried out for the purpose of assessing the patient’s mental disorder;
 - (b) any review under this Act or the 1995 Act of the patient’s detention; or
 - (c) any proceedings before the Tribunal relating to the patient.
- (4) As soon as practicable after taking any steps under subsection (2) above, the appropriate person shall make a written record of the steps.
- (5) In this section “the appropriate person” has the meaning given by section 260(5) of this Act.

Modifications etc. (not altering text)

- C1** S. 261 modified (5.10.2005) by [Mental Health \(Cross-border transfer; patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), regs. 1(1), **44** (with [reg. 2](#))
- C2** S. 261 modified (3.11.2008) by [Mental Health \(England and Wales Cross-border transfer: patients subject to requirements other than detention\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/356\)](#), regs. 1(1), **31** (with [reg. 2](#))
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Commencement Information

- I1** S. 261 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)