



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 3

DETENTION IN CONDITIONS OF EXCESSIVE SECURITY

Enforcement: civil proceedings

272 Proceedings for specific performance of statutory duty

- (1) The duties imposed by virtue of—
[^{F1}(a) an order under section 264(2) of this Act, or
(c) an order under section 268(2) of this Act,]
shall not be enforceable by proceedings for specific performance of a statutory duty under section 45(b) of the Court of Session Act 1988 (c. 36).
- (2) Without prejudice to the rights of any other person, the duties imposed by virtue of—
[^{F2}(a) an order under section 265(3) of this Act, or
(c) an order under section 269(3) of this Act,]
shall be enforceable by proceedings by the Commission for specific performance of a statutory duty under section 45(b) of that Act of 1988.

Textual Amendments

- F1** S. 272(1)(a)(c) substituted for s. 272(1)(a)-(d) (16.11.2015) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), [ss. 15\(8\)\(a\)](#), 61(2); S.S.I. 2015/361, [art. 2](#) (with [arts. 4-6](#))
- F2** S. 272(2)(a)(c) substituted for s. 272(2)(a)-(d) (16.11.2015) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), [ss. 15\(8\)\(b\)](#), 61(2); S.S.I. 2015/361, [art. 2](#) (with [arts. 4-6](#))

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 272 is up to date with all changes known to be in force on or before 25 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](#)*

Commencement Information

- I1** Part 17 Chapter 3 (ss. 264 - 273) in force 1.5.2006 or such earlier day as the Scottish Ministers may by order appoint, see s. 333(2)
- I2** S. 272 in force at 1.5.2006 or such earlier day as the Scottish Ministers may by order appoint, see s. 333(2)

Changes to legislation:

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 272 is up to date with all changes known to be in force on or before 25 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.

[View outstanding changes](#)

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\(3\)](#)