



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

2003 asp 13

PART 18

MISCELLANEOUS

Communications, security etc.

286 Safety and security in hospitals

- (1) Regulations may authorise—
- (a) the search of such persons detained in hospital by virtue of this Act or the 1995 Act as may be specified in the regulations and of anything they have with them in the hospital in which they are detained;
 - (b) the taking, from external parts of the body of those persons and, by means of swabbing, from the mouth of those persons, of samples of body tissue, blood or other body fluid or other material, the taking hypodermically from those persons of samples of blood and the examination of those samples;
 - (c) the placing of restrictions on the kinds of things which those persons may have with them in the hospitals in which they are detained and the removal from them of articles kept in breach of such restrictions;
 - (d) the placing of prohibitions and restrictions on the entry into and the conduct while in those hospitals of persons (“visitors”) visiting those persons or otherwise entering or seeking to enter those hospitals and on the kinds of things which visitors may bring with them into those hospitals;
 - (e) the surveillance, whether directly or otherwise, of those persons and visitors;
 - (f) the search of visitors and of anything they bring with them into those hospitals,
- and make that which is authorised subject to conditions specified in the regulations.
- (2) Regulations may require the managers of each hospital of such class as is or classes as are specified to provide—
- (a) the Scottish Ministers, on their request, with a statement describing how regulations made under subsection (1) above—

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 286 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*

- (i) have been implemented in that hospital during the period the Ministers specify in their request;
 - (ii) are being implemented there at the time of the request;
 - (iii) are proposed by those managers to be implemented there after that time;
- (b) the Commission with statements of the incidence and circumstances of the implementation there of regulations under subsection (1) above in such ways as are specified.
- (3) Regulations may confer power on the Commission, by direction—
- (a) to prohibit the implementation of regulations under subsection (1) above in relation to a specified patient in a specified way;
 - (b) to require the managers of a hospital in which a specified patient is detained to notify a specified person that such a regulation has been implemented in relation to such a patient in such a way.
- (4) In each of subsections (2) and (3) above, “specified” means specified in the regulations made under that subsection.
- (5) The Scottish Ministers may give to the managers of a hospital directions as to the implementation by those managers of regulations made under subsection (1) above; and the managers shall comply with any such directions.
- (6) Before making regulations under this section the Scottish Ministers shall consult such persons as they consider appropriate.

Commencement Information

- I1** S. 286 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), [art. 2](#), [Sch. 1](#)
- I2** S. 286 in force at 5.10.2005 in so far as not already in force 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\(3\)](#)