



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

2003 asp 13

PART 21

OFFENCES

318 False statements

- (1) A person who—
- (a) knowingly makes, in a relevant document, an entry or statement which is false in a material particular; or
 - (b) with intent to deceive, makes use of any such entry or statement knowing it to be false,
- shall be guilty of an offence.
- (2) For the purposes of subsection (1) above, a “relevant document”—
- (a) is—
 - (i) an application under this Act;
 - (ii) a document accompanying any such application; or
 - (iii) any other document required or authorised to be granted, prepared, sent or given for any of the purposes of this Act; but
 - (b) does not include—
 - (i) a nomination of a named person in accordance with section 250(2) of this Act;
 - ^{F1}(ii)
 - (iii) an advance statement.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 318 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*

Textual Amendments

- F1** S. 318(2)(b)(ii) repealed (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 22(3)**, 61(2); [S.S.I. 2017/197](#), **art. 2**, **sch.** (with arts. 13-15)
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Commencement Information

- I1** S. 318 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\(3\)](#)