



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

## 2003 asp 13

### PART 4

#### HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

#### CHAPTER 2

##### LOCAL AUTHORITY FUNCTIONS

##### *Duty to inquire into individual cases*

### 33 Duty to inquire

- (1) Where it appears to a local authority that—
  - (a) a person in their area who is aged 16 years or over has a mental disorder; and
  - (b) any of the circumstances mentioned in subsection (2) below apply,the authority shall cause inquiries to be made into the person's case.
- (2) Those circumstances are—
  - (a) that the person may be, or may have been, subject, or exposed, at some place other than a hospital to—
    - (i) ill-treatment;
    - (ii) neglect; or
    - (iii) some other deficiency in care or treatment;
  - (b) that, because of the mental disorder, the person's property—
    - (i) may be suffering, or may have suffered, loss or damage; or
    - (ii) may be, or may have been, at risk of suffering loss or damage;
  - (c) that the person may be—
    - (i) living alone or without care; and
    - (ii) unable to look after himself or his property or financial affairs;

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 33 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*

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- (d) that the person is not in hospital and, because of the mental disorder, the safety of some other person may be at risk.

**Commencement Information**

- I1** [S. 33](#) 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)

**Changes to legislation:**

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[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\(3\)](#)