



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

2003 asp 13

PART 2

THE MENTAL WELFARE COMMISSION FOR SCOTLAND

Particular functions

8 Duty to bring specific matters to attention of Scottish Ministers and others etc.

- (1) If it appears to the Commission that a relevant person has, or may have, powers or duties, the exercise or performance of which might prevent or remedy or assist in preventing or remedying, as respects a person who has a mental disorder, any of the circumstances mentioned in subsection (2) below, the Commission shall—
- (a) bring the facts of the person's case to the attention of the relevant person; and
 - (b) if it considers it appropriate to do so, make recommendations as respects the case to the relevant person.
- (2) Those circumstances are—
- (a) the circumstances mentioned in section 11(2)(a), (d), (e) or (f) of this Act;
 - (b) that—
 - (i) the patient is detained in hospital and the detention is authorised by virtue of this Act or the 1995 Act; and
 - (ii) there may be some impropriety in relation to that detention.
- (3) For the purposes of subsection (1) above, “relevant person” means—
- (a) the Scottish Ministers;
 - (b) the Public Guardian;
 - (c) a local authority;
 - (d) a Health Board;
 - (e) a Special Health Board;
 - (f) a National Health Service trust;
 - (g) a mental health officer;

Status: This is the original version (as it was originally enacted).

- (h) a responsible medical officer;
 - (i) the managers of a registered care service;
 - (j) the managers of—
 - (i) a prison; or
 - (ii) a young offenders institution;
 - (k) the Scottish Commission for the Regulation of Care;
 - (l) a police force; or
 - (m) such other person, or group of persons, as the Commission considers appropriate.
- (4) In subsection (3)(i) above, “registered care service” means a care service registered under Part 1 of the Regulation of Care (Scotland) Act [2001 \(asp 8\)](#).