



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

## 2003 asp 13

### PART 18

#### MISCELLANEOUS

*[<sup>F1</sup>Conflicts of interest to be avoided*

#### [<sup>F1</sup>291A Conflicts of interest to be avoided

- (1) There must not be a conflict of interest in relation to a medical examination to be carried out for the purpose of section 36(1), 44(1), 47(1), 57(2), 77(2), 78(2), 139(2), 140(2) or 182(2) of this Act.
- (2) Regulations may—
  - (a) specify circumstances in which, in the application of subsection (1) above—
    - (i) there is to be taken to be a conflict of interest,
    - (ii) there is not to be taken to be a conflict of interest,
  - (b) specify circumstances in which subsection (1) above does not apply.]

#### Textual Amendments

- F1** S. 291A and cross-heading inserted (5.5.2017 for specified purposes, 30.6.2017 in so far as not already in force) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 29(2)**, 61(2); [S.S.I. 2017/126](#), **art. 2**, **sch.**; [S.S.I. 2017/197](#), **art. 2**, **sch.**

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 291A is up to date with all changes known to be in force on or before 17 January 2024. 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\(3\)](#)