

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Mental Health (Conflict of Interest) (Scotland) (No. 2) Regulations 2005.

They provide for the circumstances where there is, or is not, to be taken to be a conflict of interest in relation to certain categories of medical examination carried out under the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”) and, where such a conflict of interest is permitted in relation to certain medical examinations which are required to be carried out under the 2003 Act.

Regulation 3 provides that section 291A(1) does not apply in circumstances of serious risk to the health, safety and welfare of the patient or risk to the safety of other persons in cases involving medical examinations made for the purposes of sections 44(1) or 47(1) of the 2003 Act (in the context of short-term detention certificates).