

These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 18 – Miscellaneous

Section 275 to 276: advance statements

Advance statements: making and withdrawal

536. [Section 275](#) sets out a procedure by which a patient can make an ‘advance statement’. This is a statement setting out how the patient would wish or would not wish to be treated for any mental disorder if, at some future time, he or she has a mental disorder which causes his or her ability to make decisions about those matters to be significantly impaired.
537. Subsection (2) provides that an advance statement must be in writing and must be signed by the patient and a witness. The witness must also certify that, in his or her opinion, the patient was capable of making the statement at the time.
538. A patient may withdraw an advance statement in accordance with the provisions in subsection (3).