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

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EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 18 – Miscellaneous

Advance statements: effect

Sections 281 to 283: correspondence

Correspondence of certain persons detained in hospital

552.   Section 281 provides powers for a specified person's incoming and outgoing mail to
be inspected and withheld in certain circumstances. 'Specified person' means a person
detained in hospital who meets other conditions as may be specified by the Scottish
Ministers in regulations.

553.   Subsections (1) and (3) provide that a postal packet addressed by a specified person
to any person may be withheld from a "relevant carrier" (defined in subsection (9)) if
the intended recipient has requested in writing that communications from the patient
be withheld. The request should be made in writing to the managers of the hospital,
the responsible medical officer or the Scottish Ministers. "Postal packet" has the same
meaning as in the Postal Services Act 2000, namely "a letter, parcel, packet or other
article transmissible by post".

554.   Hospital managers may also withhold a postal packet if they consider that receipt is
likely to cause distress to the person to whom it is addressed or any other person (not
being a member of staff of the hospital), or to cause danger to any person.

555.   Subsection (6) provides that hospital managers may withhold a postal packet addressed
to a specified person if they consider it is necessary to do so in the interests of the safety
of the patient concerned or for the protection of any other person. The powers described
in this paragraph and the preceding one do not apply to any correspondence between a
patient and those persons or organisations listed at subsection (5).

556.   Subsection (7) provides that hospital managers may open and inspect a postal packet
to determine whether they can or should withhold it, or any of its contents.