

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

Review of decision to withhold postal packet

560. [Section 283](#) requires the Commission to review any decision to withhold a postal packet (or anything contained within it) if an application is made to them within 6 months of the day on which notification was received.
561. The application can be made by the patient where an outgoing postal packet (or anything contained within it) was withheld and by the patient and the sender where an incoming postal packet (or anything contained within it) was withheld.
562. Having reviewed the decision of the managers of the hospital, the Commission may direct that the packet or item in question should be released to the addressee, and the hospital managers are required to comply with any such direction.
563. The Scottish Ministers may make regulations with respect to the making of applications and as to the production to the Commission of relevant items.

Sections 284 and 285: telephone calls

Certain patients detained in hospital: use of telephones

564. Subsection (1) of section 284 empowers the Scottish Ministers to make regulations in connection with regulating the use of telephones by such patients detained in hospital as may be specified. The regulations may in particular make provision in relation to the matters set out in subsection (2).
565. Subsection (4) provides that the interception of telephone calls by such patients to certain persons detailed in subsection (6), may not be authorised by regulations unless the person has requested the interception of calls made by the patient, or the telephone call is, or would be, unlawful.