

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 18 – Miscellaneous

Directions as to implementation of regulations under section 284(1)

566. Subsection (1) of section 285 empowers the Scottish Ministers to give directions to hospital managers in relation to their implementation of regulations under section 284(1); and requires the managers to comply with any such directions. Subsection (2) empowers Ministers to require hospital managers to provide them with specified information in relation to their implementation of those regulations.

Section 286: safety and security in hospitals

567. **Section 286(1)** empowers the Scottish Ministers to make regulations authorising and placing conditions on various activities relating to safety and security in hospitals, including:

- searches;
- the taking and examination of body samples;
- restrictions on property which may be kept in hospital;
- restrictions on visitors and the property they bring into hospital;
- surveillance; and
- the searching of visitors and their property.

568. Implementation of those regulations in any particular hospital will be a matter for the managers of that hospital. Subsection (2) empowers the Scottish Ministers to make regulations requiring the provision by hospital managers of specified information to Ministers and to the Commission, in relation to their implementation of those regulations. Subsection (3), provides that regulations may also empower the Commission to make directions on certain matters.

569. The Scottish Ministers can also issue directions to hospital managers with which those hospital managers must comply (subsection (5)).