



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 2

ADVOCACY ETC.

Access to medical practitioner

262 Access to medical practitioner for purposes of medical examination

- (1) This section applies where a patient is detained in hospital by virtue of—
 - (a) this Act; or
 - (b) the 1995 Act.
- (2) A duly authorised medical practitioner may, for any of the purposes mentioned in subsection (3) below, visit the patient at any reasonable hour and carry out a medical examination of the patient in private.
- (3) Those purposes are—
 - (a) advising the patient or, as the case may be, the patient's named person about the making of applications to the Tribunal in respect of the patient under this Act; and
 - (b) providing to the patient or, as the case may be, the patient's named person information as respects the condition of the patient for the purpose of—
 - (i) any such application (or proposed application); or
 - (ii) any other proceedings before the Tribunal in respect of the patient in which the patient or, as the case may be, the patient's named person is taking part (or considering whether to take part).

- (4) For the purposes of subsection (2) above and subject to subsection (5) below, a medical practitioner is duly authorised if authorised for the purposes of this section by—
 - (a) the patient; or
 - (b) the patient’s named person.
- (5) Authorisation given for the purposes of this section by the patient’s named person may be rescinded by the patient at any time when the patient is not incapable.
- (6) In subsection (5) above, “incapable” has the same meaning as in section 250(7) of this Act.

263 Inspection of records by medical practitioner

- (1) A duly authorised medical practitioner may, for any of the purposes mentioned in subsection (3) below, require any person holding records relating to—
 - (a) the detention of; or
 - (b) medical treatment given at any time to,
 a patient whose detention in hospital is authorised by virtue of this Act or the 1995 Act to produce them for inspection by the medical practitioner.
- (2) A duly authorised medical practitioner may, for any of the purposes mentioned in subsection (3) below, require any person holding records relating to medical treatment given at any time to a patient who is subject to—
 - (a) a compulsory treatment order; or
 - (b) a compulsion order,
 that does not authorise the detention of the patient in hospital to produce them for inspection by the medical practitioner.
- (3) Those purposes are—
 - (a) advising the patient or, as the case may be, the patient’s named person about the making of applications to the Tribunal in respect of the patient under this Act;
 - (b) providing to the patient or, as the case may be, the patient’s named person information as respects the condition of the patient for the purpose of—
 - (i) any such application (or proposed application); or
 - (ii) any other proceedings before the Tribunal in respect of the patient in which the patient or, as the case may be, the patient’s named person is taking part (or considering whether to take part).
- (4) For the purposes of subsections (1) and (2) above and subject to subsection (5) below, a medical practitioner is duly authorised if authorised for the purposes of this section by—
 - (a) the patient; or
 - (b) the patient’s named person.
- (5) Authorisation given for the purposes of this section by the patient’s named person may be rescinded by the patient at any time when the patient is not incapable.
- (6) In subsection (5) above, “incapable” has the same meaning as in section 250(7) of this Act.