



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

## 2003 asp 13

### PART 2

#### THE MENTAL WELFARE COMMISSION FOR SCOTLAND

##### *Particular functions*

#### 16 Inspection etc. of records

- (1) A person authorised by the Commission (an “authorised person”) [<sup>F1</sup>or Commission Visitor] may, in connection with the discharge by the Commission of any of its functions under—
  - (a) this Act; or
  - (b) the Adults with Incapacity (Scotland) Act 2000 (asp 4),require any person holding medical or other records of a patient to produce them for inspection by the authorised person [<sup>F2</sup>or, as the case may be, the Commission Visitor].
- (2) An authorised person shall be—
  - <sup>F3</sup>(a) .....
  - (b) a member of the staff of the Commission.
- (3) An authorised person proposing to exercise the power conferred by subsection (1) above shall, if requested to do so, produce an authenticated document showing that the authorised person is <sup>F4</sup>... a member of staff of the Commission.

#### Textual Amendments

- F1** Words in s. 16(1) inserted (1.8.2010 for specified purposes, 1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), ss. 111(13)(a)(i), 134(7); S.S.I. 2010/221, art. 3(2)(3), sch.; S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.
- F2** Words in s. 16(1) added (1.8.2010 for specified purposes, 1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), ss. 111(13)(a)(ii), 134(7); S.S.I. 2010/221, art. 3(2)(3), sch.; S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 16 is up to date with all changes known to be in force on or before 02 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F3** S. 16(2)(a) repealed (1.8.2010 for specified purposes, 1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 111(13)(b)**, 134(7); [S.S.I. 2010/221](#), art. 3(2)(3), sch.; [S.S.I. 2010/321](#), art. 3, sch.; [S.S.I. 2011/122](#), art. 2, sch.
- F4** Words in s. 16(3) repealed (1.8.2010 for specified purposes, 1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 111(13)(c)**, 134(7); [S.S.I. 2010/221](#), art. 3(2)(3), sch.; [S.S.I. 2010/321](#), art. 3, sch.; [S.S.I. 2011/122](#), art. 2, sch.

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#### **Commencement Information**

- I1** S. 16 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)