



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

2003 asp 13

PART 16

MEDICAL TREATMENT

Safeguards for other medical treatment

238 Treatment mentioned in sections 237(3) and 240(3): patients capable of consenting and not refusing consent

- (1) Subject to subsection (3) below, medical treatment mentioned in section 237(3) or 240(3) of this Act is given to a patient in accordance with this section if the patient's responsible medical officer or a designated medical practitioner certifies in writing that—
 - (a) the patient is capable of consenting to the treatment;
 - (b) the patient consents in writing to the treatment;
 - (c) the giving of medical treatment to the patient is authorised by virtue of this Act or the 1995 Act; and
 - (d) having regard to the likelihood of its alleviating, or preventing a deterioration in, the patient's condition, it is in the patient's best interests that the treatment should be given.
- (2) If the patient withdraws consent to the treatment (in writing or otherwise) at any time before its completion, this section shall then apply as if the remainder of the treatment were a separate treatment.
- (3) Where the patient is a child, any certificate under subsection (1) above shall be given by a child specialist.