



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

## 2003 asp 13

### PART 16

#### MEDICAL TREATMENT

##### *Supplementary*

#### **245 Certificates under sections 235, 236, 239 and 241**

- (1) This section applies to certificates under sections 235, 236, 239 and 241 of this Act.
- (2) A certificate shall contain such particulars as may be prescribed by regulations.
- (3) Before giving a certificate, the person giving it shall consult—
  - (a) subject to subsection (4) below—
    - (i) the patient; and
    - (ii) the patient's named person; and
  - (b) such person or persons as appear to the person giving the certificate to be principally concerned with the patient's medical treatment.
- (4) The person giving a certificate need not consult any person such as is mentioned in paragraph (a) of subsection (3) above in any case where it is impracticable to do so.
- (5) A person who gives a certificate shall, before the expiry of the period of 7 days beginning with the day on which the certificate is given, send a copy of it to the Commission.