



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

2003 asp 13

## PART 17

### PATIENT REPRESENTATION ETC.

#### CHAPTER 2

##### ADVOCACY ETC.

###### *Information*

### **261 Provision of assistance to patient with communication difficulties**

- (1) This section applies where—
- (a) a patient is detained in hospital by virtue of—
    - (i) this Act; or
    - (ii) the 1995 Act; or
  - (b) though not detained in hospital, a patient is subject to—
    - (i) an emergency detention certificate;
    - (ii) a short-term detention certificate;
    - (iii) a compulsory treatment order;
    - (iv) an interim compulsory treatment order;
    - (v) an assessment order;
    - (vi) a treatment order;
    - (vii) a hospital direction;
    - (viii) a transfer for treatment direction;
    - (ix) an interim compulsion order; or
    - (x) a compulsion order,
- and the patient has difficulty in communicating or generally communicates in a language other than English.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The appropriate person shall take all reasonable steps to secure that, for the purpose of enabling the patient to communicate during each of the events mentioned in subsection (3) below—
- (a) arrangements appropriate to the patient’s needs are made; or
  - (b) the patient is provided with assistance, or material, appropriate to the patient’s needs.
- (3) Those events are—
- (a) any medical examination of the patient carried out for the purpose of assessing the patient’s mental disorder;
  - (b) any review under this Act or the 1995 Act of the patient’s detention; or
  - (c) any proceedings before the Tribunal relating to the patient.
- (4) As soon as practicable after taking any steps under subsection (2) above, the appropriate person shall make a written record of the steps.
- (5) In this section “the appropriate person” has the meaning given by section 260(5) of this Act.