



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

2003 asp 13

PART 21

OFFENCES

317 Obstruction

- (1) A person who—
- (a) refuses to allow a person authorised by virtue of this Act access to any premises;
 - (b) refuses to allow access to a mentally disordered person by a person authorised by virtue of this Act to have such access;
 - (c) refuses to allow the interview or examination of a mentally disordered person by a person authorised by virtue of this Act to interview or examine such person;
 - (d) persists in being present when requested to withdraw by a person authorised by virtue of this Act to interview or examine, in private, a mentally disordered person;
 - (e) refuses to produce any document or record to a person authorised by virtue of this Act to require the production of such document or record; or
 - (f) otherwise obstructs a person in the exercise of any functions conferred on such person by virtue of this Act,
- shall be guilty of an offence.
- (2) A mentally disordered person shall not be guilty of an offence under subsection (1) above if the person mentioned in that subsection—
- (a) who is authorised by virtue of this Act, is so authorised; or
 - (b) who is exercising functions conferred on that person by virtue of this Act, is exercising those functions,
- in relation to that mentally disordered person.

Status: This is the original version (as it was originally enacted).

- (3) In any proceedings against a person for an offence under subsection (1) above it shall be a defence for the accused to show that the accused had a reasonable excuse for doing that with which the accused is charged.
- (4) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale or to both.