



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

## 2003 asp 13

### PART 21

#### OFFENCES

#### 318 False statements

- (1) A person who—
- (a) knowingly makes, in a relevant document, an entry or statement which is false in a material particular; or
  - (b) with intent to deceive, makes use of any such entry or statement knowing it to be false,
- shall be guilty of an offence.
- (2) For the purposes of subsection (1) above, a “relevant document”—
- (a) is—
    - (i) an application under this Act;
    - (ii) a document accompanying any such application; or
    - (iii) any other document required or authorised to be granted, prepared, sent or given for any of the purposes of this Act; but
  - (b) does not include—
    - (i) a nomination of a named person in accordance with section 250(2) of this Act;
    - (ii) a declaration made in accordance with section 253(2) of this Act; and
    - (iii) an advance statement.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.