



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

2003 asp 13

PART 4

HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

CHAPTER 2

LOCAL AUTHORITY FUNCTIONS

Duty to inquire into individual cases

33 Duty to inquire

- (1) Where it appears to a local authority that—
 - (a) a person in their area who is aged 16 years or over has a mental disorder; and
 - (b) any of the circumstances mentioned in subsection (2) below apply,the authority shall cause inquiries to be made into the person's case.
- (2) Those circumstances are—
 - (a) that the person may be, or may have been, subject, or exposed, at some place other than a hospital to—
 - (i) ill-treatment;
 - (ii) neglect; or
 - (iii) some other deficiency in care or treatment;
 - (b) that, because of the mental disorder, the person's property—
 - (i) may be suffering, or may have suffered, loss or damage; or
 - (ii) may be, or may have been, at risk of suffering loss or damage;
 - (c) that the person may be—
 - (i) living alone or without care; and
 - (ii) unable to look after himself or his property or financial affairs;

Status: This is the original version (as it was originally enacted).

- (d) that the person is not in hospital and, because of the mental disorder, the safety of some other person may be at risk.