



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

34 Inquiries under section 33: co-operation

- (1) This section applies where a local authority are required by section 33(1) of this Act to cause inquiries to be made into a person's case.
- (2) Where it appears to the local authority that the assistance of any of the persons mentioned in subsection (3) below—
 - (a) is necessary for the purposes of the inquiries; or
 - (b) would assist the inquiries,the authority may request that person to provide the assistance specified in the request.
- (3) Those persons are—
 - (a) the Commission;
 - (b) the Public Guardian;
 - (c) the Scottish Commission for the Regulation of Care;
 - (d) a Health Board; and
 - (e) a National Health Service trust.
- (4) Where—
 - (a) a person receives a request under subsection (2) above; and
 - (b) complying with the request—

Status: This is the original version (as it was originally enacted).

- (i) would be compatible with the discharge of the person's functions (whether under any enactment or otherwise); and
 - (ii) would not prejudice unduly the discharge by the person of any of those functions,
- the person shall comply with the request.