
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 380

**The Mental Health (Conflict of Interest)
(Scotland) (No. 2) Regulations 2005**

Conflict of interest in relation to medical examination – compulsory treatment order

4.—(1) The circumstances in which there is to be taken to be a conflict of interest in relation to the medical examination for the purposes of section 58(5) (requirements for medical examinations relating to compulsory treatment orders) are where—

- (a) either medical practitioner is related to the patient in any degree specified in the Schedule;
- (b) the two medical practitioners are related to each other in any degree specified in the Schedule;
- (c) it is proposed that the compulsory treatment order should authorise the detention of the patient in an independent health care service and either medical practitioner is employed by or contracted to provide services in or to that independent health care service; or
- (d) it is proposed that the compulsory treatment order should authorise the detention of the patient in a hospital other than an independent health care service and both medical practitioners are employed by or contracted to provide services in or to that hospital.

(2) For the purposes of paragraph (1)(d), unless a medical practitioner works wholly or mainly in a hospital, that practitioner shall not be regarded as being employed by or contracted to provide services in or to that hospital.