



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 3

DETENTION IN CONDITIONS OF EXCESSIVE SECURITY

Enforcement: civil proceedings

272 Proceedings for specific performance of statutory duty

- (1) The duties imposed by virtue of—
[^{F1}(a) an order under section 264(2) of this Act, or
(c) an order under section 268(2) of this Act,]
shall not be enforceable by proceedings for specific performance of a statutory duty under section 45(b) of the Court of Session Act 1988 (c. 36).
- (2) Without prejudice to the rights of any other person, the duties imposed by virtue of—
[^{F2}(a) an order under section 265(3) of this Act, or
(c) an order under section 269(3) of this Act,]
shall be enforceable by proceedings by the Commission for specific performance of a statutory duty under section 45(b) of that Act of 1988.

Textual Amendments

- F1** S. 272(1)(a)(c) substituted for s. 272(1)(a)-(d) (16.11.2015) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), [ss. 15\(8\)\(a\)](#), 61(2); S.S.I. 2015/361, [art. 2](#) (with [arts. 4-6](#))
- F2** S. 272(2)(a)(c) substituted for s. 272(2)(a)-(d) (16.11.2015) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), [ss. 15\(8\)\(b\)](#), 61(2); S.S.I. 2015/361, [art. 2](#) (with [arts. 4-6](#))

Status: Point in time view as at 01/10/2017.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading:
Enforcement: civil proceedings is up to date with all changes known to be in force on or before 18
September 2024. There are changes that may be brought into force at a future date. Changes that have
been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I1** Part 17 Chapter 3 (ss. 264 - 273) in force 1.5.2006 or such earlier day as the Scottish Ministers may by order appoint, see s. 333(2)
- I2** S. 272 in force at 1.5.2006 or such earlier day as the Scottish Ministers may by order appoint, see s. 333(2)

Status:

Point in time view as at 01/10/2017.

Changes to legislation:

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Enforcement: civil proceedings is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.