



# 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;
  - [<sup>F1</sup>(ba) Healthcare Improvement Scotland;]
  - [<sup>F2</sup>(c) Social Care and Social Work Improvement Scotland;]
  - (d) a Health Board; and
  - (e) a National Health Service trust.
- (4) Where—
  - (a) a person receives a request under subsection (2) above; and

**Status:** Point in time view as at 25/05/2018.

**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 34 is up to date with all changes known to be in force on or before 07 August 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)*

- (b) complying with the request—
- (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.

#### **Textual Amendments**

- F1** S. 34(3)(ba) inserted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\), s. 134\(7\), sch. 17 para. 32](#); S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.
- F2** S. 34(3)(c) substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\), s. 134\(7\), sch. 14 para. 18](#); S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.

#### **Commencement Information**

- I1** S. 34 in force at 5.10.2005 by [S.S.I. 2005/161, art. 3](#) (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

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