

MENTAL HEALTH (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE & A SUMMARY OF THE ACT

Part One – the 2003 Act

Section 29: Conflicts of interest to be avoided

New section 291A

88. Section 29 of the Act inserts a new section 291A into the 2003 Act which provides that there must be no conflict of interest in relation to certain medical examinations carried out for the purpose of certain sections under the 2003 Act. In addition, the new section confers a power upon Scottish Ministers to make regulations which may specify circumstances in which there is to be taken, or not to be taken to be a conflict of interest, and to specify circumstances in which the requirement to have no conflict of interest does not apply. The sections of the 2003 Act to which these provisions apply are sections 36(1), 44(1), 47(1), 57(2), 77(2), 78(2), 139(2), 140(2) and 182(2).

Amendments to sections 36, 44, 47 and 58

89. **Section 29** also removes the existing equivalent provisions from sections 36, 44, 47 and 58, as they are now covered by new section 291A.