

MENTAL HEALTH (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE & A SUMMARY OF THE ACT

Part One – the 2003 Act

Section 30: Safeguarding the patient's interest

Amendment of [section 245](#)

90. Section 245 of the 2003 Act provides that before giving a certificate which allows treatment to proceed under sections 235 (certain surgical operations etc. where the patient is capable of consenting), 236 (certain surgical operations etc. where the patient is incapable of consenting), 239 (electro-convulsive therapy etc.) and 241 (treatments given over period of time etc.), the certifying medical practitioner must consult the patient, the patient's named person (where practicable) and those persons appearing to have the primary responsibility for the patient's medical treatment.
91. Section 30 of the Act amends section 245 to add any guardian or welfare attorney to the people who must be consulted before a certificate is granted.