



Mental Health (Scotland) Act 2015

2015 asp 9

PART 1

THE 2003 ACT

Advance statements and patients' rights

29 Conflicts of interest to be avoided

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) After section 291 there is inserted—

“Conflicts of interest to be avoided

291A Conflicts of interest to be avoided

- (1) There must not be a conflict of interest in relation to a medical examination to be carried out for the purpose of section 36(1), 44(1), 47(1), 57(2), 77(2), 78(2), 139(2), 140(2) or 182(2) of this Act.
- (2) Regulations may—
 - (a) specify circumstances in which, in the application of subsection (1) above—
 - (i) there is to be taken to be a conflict of interest,
 - (ii) there is not to be taken to be a conflict of interest,
 - (b) specify circumstances in which subsection (1) above does not apply.”.
- (3) These provisions are repealed—
 - (a) in section 36 (emergency detention in hospital)—
 - (i) paragraph (a) of subsection (3),
 - (ii) subsection (9),
 - (b) in section 44 (short-term detention in hospital)—
 - (i) paragraph (a) of subsection (3),
 - (ii) subsection (8),

Status: This is the original version (as it was originally enacted).

- (c) in section 47 (extension of detention pending application for compulsory treatment order)—
 - (i) paragraph (a) of subsection (2) together with the word “and” immediately following it,
 - (ii) subsection (5),
- (d) in section 58 (medical examination: requirements), subsection (5).