



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

2003 asp 13

## PART 2

### THE MENTAL WELFARE COMMISSION FOR SCOTLAND

#### *Particular functions*

#### **11 Investigations**

- (1) If it appears to the Commission that any of the circumstances mentioned in subsection (2) below apply in respect of a patient, the Commission may—
- (a) carry out such investigation as it considers appropriate into the patient's case; and
  - (b) make such recommendations as it considers appropriate as respects the case.
- (2) Those circumstances are—
- (a) that the patient may be unlawfully detained in hospital;
  - (b) that the patient is detained in hospital and the detention is authorised by virtue of—
    - (i) this Act; or
    - (ii) the 1995 Act;
  - (c) that the patient, though not detained in hospital, is subject to—
    - (i) a compulsory treatment order;
    - (ii) an interim compulsory treatment order;
    - (iii) an emergency detention certificate;
    - (iv) a short-term detention certificate;
    - (v) a compulsion order;
    - (vi) an interim compulsion order;
    - (vii) an assessment order;
    - (viii) a treatment order;
    - (ix) a hospital direction; or

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*Status: This is the original version (as it was originally enacted).*

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- (x) a transfer for treatment direction;
- (d) that the patient may be, or may have been, subject, or exposed, to—
  - (i) ill-treatment;
  - (ii) neglect; or
  - (iii) some other deficiency in care or treatment;
- (e) that, because of the mental disorder, the patient's property—
  - (i) may be suffering, or may have suffered, loss or damage; or
  - (ii) may be, or may have been, at risk of suffering loss or damage;
- (f) that the patient may be—
  - (i) living alone or without care; and
  - (ii) unable to look after himself or his property or financial affairs.