



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

2003 asp 13

## PART 2

### THE MENTAL WELFARE COMMISSION FOR SCOTLAND

#### *Particular functions*

#### 14 Interviews

- (1) A person authorised to do so by the Commission (an “authorised person”) may, in connection with the discharge by the Commission of any of its functions under this Act or the Adults with Incapacity (Scotland) Act 2000 (asp 4)—
  - (a) interview—
    - (i) any patient; or
    - (ii) any other person that the authorised person considers it appropriate to interview; and
  - (b) require any such interview to be conducted in private.
- (2) Without prejudice to the generality of subsection (1) above—
  - (a) an authorised person conducting a visit under subsection (1) of section 13 of this Act shall afford an opportunity, on request, during the visit, to—
    - (i) the patient who is the subject of the visit; and
    - (ii) other patients whose presence in the premises where the visit takes place is known to the authorised person,  
to be interviewed in private by the authorised person; and
  - (b) an authorised person conducting a visit under subsection (3) of that section shall afford an opportunity, on request, during the visit, to patients whose presence in the premises that are being visited is known to the authorised person, to be so interviewed.
- (3) An authorised person proposing to interview a person under subsection (1) or (2) above shall, if requested to do so, produce an authenticated document showing that the Commission has given the requisite authority for the purposes of this section.