
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 275

The Adults with Incapacity (Specified Medical Treatments) (Scotland) Regulations 2002

Treatments requiring application to the court

3.—(1) Subject to regulations 5 and 6 below, a treatment of a kind set out in Part 1 of Schedule 1 to these Regulations may be carried out in relation to an adult who is incapable in relation to a decision about that treatment if—

- (a) the Court of Session is satisfied, on application to it by the medical practitioner primarily responsible for the medical treatment, that the treatment will safeguard or promote the physical or mental health of the adult and that the adult does not oppose the treatment; and
- (b) the adult does not resist the carrying out of the treatment.

(2) The Court of Session shall, in considering such an application, afford an opportunity to any person having an interest in the personal welfare of the adult to make representations in respect of it.