
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 275

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

Treatments requiring a certificate from a practitioner appointed by the Mental Welfare Commission

4.—(1) Subject to regulations 5 and 6 below, a treatment of a kind set out in Part 2 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 where a medical practitioner appointed by the Mental Welfare Commission certifies, in the form set out in Schedule 2 to these Regulations, that—

- (a) the adult is incapable in relation to such a decision, and
- (b) having regard to the likelihood of its safeguarding or promoting the adult's physical or mental health, the treatment should be carried out.

(2) The medical practitioner referred to in paragraph (1) above shall not be the medical practitioner primarily responsible for any medical treatment of the adult.