
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 401

The Mental Health (Safeguards for Certain Informal Patients) (Scotland) Regulations 2005

Urgent medical treatment

5.—(1) Where it is necessary as a matter of urgency for medical treatment to be given to such a patient for any of the purposes mentioned in paragraphs (a) to (c) of section 243(3), the treatment may, subject to subsection (4) of that section and to paragraphs (2) and (3) below, be given notwithstanding that—

- (a) the patient is incapable of understanding the nature, purpose and likely effects of the medical treatment; and
- (b) the patient resists or objects to the medical treatment.

(2) Treatment may be given on condition that a designated medical practitioner certifies in writing that—

- (a) consent has been given by a person having parental responsibilities and parental rights in respect of the patient to the medical treatment being given to the patient; and
- (b) the patient resists or objects to the medical treatment,

but it is necessary to give the medical treatment to the patient for any of the purposes mentioned in paragraph (1), and that purpose is specified in the certificate.

(3) Paragraph (1) above does not authorise the giving of medical treatment—

- (a) where the patient is not in hospital, by force to the patient; or
- (b) if the patient is capable of consenting but does not consent to the treatment.