



mental welfare
commission for scotland

S47 Certificate still needed if there is a welfare proxy

Advice notes

August 2020



Our mission and purpose

Our Mission

To be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

Except in emergencies, the Act requires that medical treatment is authorised under a certificate granted (usually) by the medical practitioner.

There may also be a welfare proxy (attorney, guardian or holder of an intervention order) with the authority to consent. If so, the section 47 certificate of incapacity is still required, as well as the consent of the welfare proxy.

The [code of practice](#) makes this clear.

Also, a reminder that a section 47 certificate does not authorise transfer to hospital.

See our [Consent to Treatment](#) guidance on this.

This information was first published in 2014. It was reviewed in July 2020 and remains current. Minor changes include updated links and small changes to improve readability.



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Mental Welfare Commission 2020