



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

2003 asp 13

PART 5

EMERGENCY DETENTION

VALID FROM 05/10/2005

Revocation of certificate

PROSPECTIVE

39 Approved medical practitioner's duty to revoke emergency detention certificate

[^{F1}Where a medical examination has been carried out under section 38(2) of this Act and an approved medical practitioner] is not satisfied—

- (a) that the conditions mentioned in section 36(4)(a) and (b) and (5)(b) of this Act continue to be met in respect of the patient; or
- (b) that it continues to be necessary for the detention in hospital of the patient to be authorised by the certificate,

the approved medical practitioner shall revoke the certificate.

Textual Amendments

- F1** Words in s. 39 substituted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, [sch. 1 para. 32\(3\)](#)

Status: Point in time view as at 21/03/2005. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Revocation of certificate is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

40 Revocation of emergency detention certificate: notification

- (1) Where an approved medical practitioner revokes a certificate under section 39 of this Act, the practitioner shall, as soon as practicable after doing so, inform—
 - (a) the patient; and
 - (b) the managers of the hospital in which the patient is detained, of the revocation.
- (2) The managers of the hospital shall, as soon as practicable after being informed of the revocation, inform the persons mentioned in section 38(4) and (5) of this Act of the revocation.

Status:

Point in time view as at 21/03/2005. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Revocation of certificate is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.