



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

## 2003 asp 13

### PART 15

#### PRELIMINARY DUTIES ON MAKING OF ORDERS ETC.

##### *Designation of mental health officer*

#### **229 Designation of mental health officer responsible for patient's case**

- (1) The relevant local authority—
  - (a) shall, as soon as is reasonably practicable after a relevant event occurs in respect of a patient, ensure that a mental health officer is designated as the mental health officer having responsibility for the patient's case; and
  - (b) shall ensure that, so long as the patient is subject to a certificate, order or direction mentioned in section 232 of this Act, a mental health officer is designated as such mental health officer.
- (2) The relevant local authority having responsibility under subsection (1) above may at any time designate—
  - (a) for all purposes; or
  - (b) for a particular purpose or for particular circumstances,a mental health officer in place of the mental health officer designated under that subsection.
- (3) In this section, “relevant local authority” means—
  - (a) as respects the making of an order mentioned in section 232 of this Act which does not authorise the detention of the patient in hospital, the local authority for the area in which the patient resides;
  - (b) as respects the granting of a certificate or the making of a direction mentioned in that section, or the making of an order mentioned in that section which authorises the detention of the patient in hospital—
    - (i) the local authority for the area in which the patient was resident immediately before the relevant event occurred; or

*Status: Point in time view as at 25/05/2018.*

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- (ii) where the patient was not resident in Scotland immediately before the relevant event occurred, the local authority for the area in which the hospital is situated.

**Modifications etc. (not altering text)**

- C1** S. 229 applied (with modifications) (5.10.2005) by [Mental Health \(Cross-border transfer; patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), regs. 1(1), **28** (with reg. 2)
- C2** S. 229 applied (with modifications) (5.10.2005) by [Mental Health \(Cross-border transfer; patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), regs. 1(1), **4** (with reg. 2)
- C3** S. 229 applied (with modifications) (3.11.2008) by [Mental Health \(England and Wales Cross-border transfer: patients subject to requirements other than detention\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/356\)](#), regs. 1(1), **17** (with reg. 2)

**Commencement Information**

- II** S. 229 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

*Patient's responsible medical officer*

**230 Appointment of patient's responsible medical officer**

- (1) As soon as is reasonably practicable after the occurrence of an appropriate act in relation to a patient, the relevant managers shall appoint an approved medical practitioner to be the patient's responsible medical officer.
- (2) Where, immediately before the occurrence of an appropriate act, a patient has a responsible medical officer, the person appointed under subsection (1) above may be that person.
- (3) The relevant managers having responsibility under subsection (1) above may at any time—
- (a) appoint an approved medical practitioner to be the patient's responsible medical officer in place of the existing responsible medical officer;
  - (b) authorise an approved medical practitioner to act (whether for a particular purpose or in particular circumstances) in place of the patient's responsible medical officer.
- (4) In this section—
- “appropriate act” means—
- (a) a relevant event;
  - (b) the granting of an emergency detention certificate;
  - (c) the making of a temporary compulsion order <sup>F1</sup>...;
  - (d) the variation of—
    - (i) a compulsory treatment order; or
    - (ii) a compulsion order;
  - (e) transfer to another hospital under section 124(2), 125(4)(b), 126(4), 218(2), 219(4)(b) or 220(4)(b) of this Act;

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- (f) return to a hospital under section 125(5), 126(5), 219(5) or 220(5) of this Act; and
- “relevant managers” means—
- (a) in a case where the appropriate act falls within any of paragraphs (a) to (c) of the definition of that expression above, the managers of the hospital in which the patient is detained or, as the case may be, which is specified in the order;
  - (b) in a case where the appropriate act falls within paragraph (d) of that definition, the managers of the hospital specified in the order following modification under section 102, 103, 104, 106, 166, 167, 169, 171 or, as the case may be, 193(6) of this Act;
  - (c) in a case where the appropriate act falls within paragraph (e) of that definition, the managers of the hospital to which the patient is transferred under any of the provisions mentioned in that paragraph; and
  - (d) in a case where the appropriate act falls within paragraph (f) of that definition, the managers of the hospital to which the patient is returned under any of the provisions mentioned in that paragraph.

#### Textual Amendments

- F1** Words in s. 230(4) repealed (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 6(2)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch.

#### Modifications etc. (not altering text)

- C4** S. 230 applied (with modifications) (5.10.2005) by [Mental Health \(Cross-border transfer: patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), regs. 1(1), **29** (with reg. 2)
- C5** S. 230 applied (with modifications) (3.11.2008) by [Mental Health \(England and Wales Cross-border transfer: patients subject to requirements other than detention\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/356\)](#), regs. 1(1), **18** (with reg. 2)

#### Commencement Information

- I2** S. 230 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

### *Social circumstances reports*

#### **231 Social circumstances report: mental health officer’s duties**

- (1) Subject to subsection (2) below, where a relevant event occurs in respect of a patient, the mental health officer shall, before the expiry of the period of 21 days beginning with the day on which the event occurs—
- (a) prepare in respect of the patient a social circumstances report; and
  - (b) send a copy of the report to—
    - (i) the patient’s responsible medical officer; and
    - (ii) the Commission.
- (2) If in any case the mental health officer considers that a social circumstances report would serve little, or no, practical purpose, the mental health officer—
- (a) need not comply with subsection (1) above; but

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- (b) shall, before the expiry of the period mentioned in that subsection—
- (i) record the reasons for deciding that any such report would serve little, or no, practical purpose; and
  - (ii) send a statement of those reasons to the patient’s responsible medical officer and to the Commission.
- (3) In this section, “social circumstances report” means a report setting out such information as may be prescribed by regulations.

**Commencement Information**

- I3** S. 231 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161, art. 2, Sch. 1](#)
- I4** [S. 231](#) in force at 5.10.2005 in so far as not already in force by [S.S.I. 2005/161, art. 3](#) (as substituted (1.7.2005) by [S.S.I. 2005/375, art. 2](#) and as amended (22.9.2005) by [S.S.I. 2005/459, art. 2](#))

*Meaning of “relevant event”*

**232 Meaning of “relevant event”**

In this Part of this Act, “relevant event” means—

- (a) the granting of a short-term detention certificate;
- (b) the making of—
  - (i) an interim compulsory treatment order;
  - (ii) a compulsory treatment order;
  - (iii) an assessment order;
  - (iv) a treatment order;
  - (v) an interim compulsion order;
  - (vi) a compulsion order;
  - (vii) a hospital direction; or
  - (viii) a transfer for treatment direction.

**Commencement Information**

- I5** [S. 232](#) in force at 5.10.2005 by [S.S.I. 2005/161, art. 3](#) (as substituted (1.7.2005) by [S.S.I. 2005/375, art. 2](#) and as amended (22.9.2005) by [S.S.I. 2005/459, art. 2](#))

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