

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 5 – Emergency Detention**

##### ***Sections 37 to 40: actions following emergency detention***

##### **Duties of medical practitioner who issued the detention certificate**

72. **Section 37** places a duty on the medical practitioner who granted the emergency detention certificate to give notice to the managers of the hospital in which the patient is to be detained of the following matters:
- why the certificate was granted;
  - whether a mental health officer consented to the granting of the certificate;
  - where no consent from a mental health officer was obtained, why it was impracticable to consult a mental health officer;
  - the alternatives to the granting of the certificate which the medical practitioner considered and why such alternatives were believed to be inappropriate.
73. Subsection (1) states that the medical practitioner should provide notice of these matters when the emergency detention certificate is given to the hospital managers. Subsection (3) provides, however, that where it is impracticable for the medical practitioner to provide such notice when the certificate is given to the managers, it should be given as soon as practicable after the event.