



# 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

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Designation of mental health officer is up to date with all changes known to be in force on or before 25 May 2023. 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) View outstanding changes*

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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.

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**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)
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**Commencement Information**

- I1** 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)

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Designation of mental health officer is up to date with all changes known to be in force on or before 25 May 2023.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)