



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

2003 asp 13

PART 4

HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

CHAPTER 1

HEALTH BOARD DUTIES

Approved medical practitioners

22 Approved medical practitioners

- (1) Subject to subsection (3) below, the persons mentioned in subsection (2) below shall each compile and maintain a list of medical practitioners who—
- (a) have such qualifications and experience, and have undertaken such training, as may be specified in directions given by the Scottish Ministers; and
 - (b) are approved for the purposes of this paragraph by the Board concerned as having special experience in the diagnosis and treatment of mental disorder.
- (2) Those persons are—
- (a) a Health Board; and
 - (b) the State Hospitals Board for Scotland.
- (3) A list compiled by a Health Board under subsection (1) above shall be compiled for its area.
- (4) A medical practitioner included for the time being in any list maintained under subsection (1) above is referred to in this Act as an “approved medical practitioner”.

Commencement Information

II S. 22 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, [Sch. 1](#)

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Chapter 1 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

- I2** S. 22 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)

Services and accommodation: particular cases

23 Provision of services and accommodation for certain patients under 18

- (1) A Health Board shall provide for any child or young person who—
- (a) is detained in hospital under Part 5 or 6 of this Act; or
 - (b) has been admitted to hospital, whether voluntarily or not, for the purposes of receiving treatment for a mental disorder,
- such services and accommodation as are sufficient for the particular needs of that child or young person.
- (2) In this section, “child or young person” means a person under the age of 18 years.

Commencement Information

- I3** S. 23 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)

24 [F1 Services and accommodation for mothers]

- (1) A Health Board shall provide for any woman who—
- (a) is the mother or adoptive mother of a child less than one year old;
 - (b) cares for the child;
 - (c) is not likely to endanger the health or welfare of the child; and
 - (d) has been admitted to hospital, whether voluntarily or not, for the purposes of receiving treatment [F2 for—
- (i) post-natal depression; or
 - (ii) a mental disorder (other than post-natal depression),]
- such services and accommodation as are necessary to ensure that the woman is able, if she wishes, to care for the child in hospital.

[F3(1A) But a Health Board is required to provide services and accommodation under subsection (1) above only if it is satisfied that doing so would be beneficial to the wellbeing of the child.]

- (2) Each Health Board shall collaborate with other Health Boards to whatever extent is necessary to fulfil its duty under subsection (1) above.

Textual Amendments

- F1** S. 24 title substituted by virtue of (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 31\(3\), 61\(2\); S.S.I. 2017/197, art. 2, sch.](#)
- F2** Words in s. 24(1)(d) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 31\(2\)\(a\), 61\(2\); S.S.I. 2017/197, art. 2, sch.](#)
- F3** S. 24(1A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 31\(2\)\(b\), 61\(2\); S.S.I. 2017/197, art. 2, sch.](#)

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Chapter 1 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](#)*

Commencement Information

- I4** S. 24 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, Chapter 1 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.

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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\(3\)](#)