



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

## 2003 asp 13

### PART 17

#### PATIENT REPRESENTATION ETC.

#### CHAPTER 1

#### NAMED PERSON

#### *Applications to Tribunal by patient etc.*

#### **256 Named person: application by patient etc.**

(1) Where—

- <sup>F1</sup>(a) .....
- (b) [<sup>F2</sup>a person mentioned in subsection (2) below (“the applicant”)] considers that though the patient has a named person it is inappropriate that that person be the patient’s named person; or
- (c) circumstances of such description as may be prescribed by regulations exist, the applicant may apply to the Tribunal for an order under section 257 of this Act in relation to the patient.

(2) Those persons are—

- (a) the patient;
- (b) the patient’s responsible medical officer;
- (c) if the patient is a child, any person who has parental responsibilities in relation to the patient;
- (d) if the patient is in hospital, the managers of the hospital;
- (e) any welfare attorney of the patient;
- (f) any guardian of the patient;
- (g) any relative of the patient; and

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 256 is up to date with all changes known to be in force on or before 20 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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(h) any other person having an interest in the welfare of the patient.

(3) In subsection (2)(c) above, “child” and “parental responsibilities” have the same meanings as they have in Part I of the Children (Scotland) Act 1995 (c. 36).

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#### Textual Amendments

- F1** S. 256(1)(a) repealed (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 24(3)(a)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch.
- F2** Words in s. 256(1)(b) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 24(3)(b)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch.
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#### Commencement Information

- I1** S. 256 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, **Sch. 1**
- I2** S. 256 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)

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 256 is up to date with all changes known to be in force on or before 20 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\(3\)](#)