



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

2003 asp 13

PART 6

SHORT-TERM DETENTION

Revocation of certificates

49 Responsible medical officer's duty to review continuing need for detention

- (1) Where a patient is detained in hospital under authority of a short-term detention certificate or an extension certificate, the patient's responsible medical officer shall, from time to time, consider—
 - (a) whether the conditions mentioned in paragraphs (a), (b) and (d) of section 44(4) of this Act continue to be met in respect of the patient; and
 - (b) whether it continues to be necessary for the detention in hospital of the patient to be authorised by the certificate.
- (2) If, having complied with subsection (1) above, the responsible medical officer is not satisfied—
 - (a) that the conditions referred to in paragraph (a) of that subsection continue to be met in respect of the patient; or
 - (b) that it continues to be necessary for the detention in hospital of the patient to be authorised by the certificate,the responsible medical officer shall revoke the certificate.
- (3) The responsible medical officer shall, as soon as practicable after revoking a certificate under subsection (2) above, give notice of its revocation to—
 - (a) the patient;
 - (b) the patient's named person;
 - (c) any guardian of the patient;
 - (d) any welfare attorney of the patient; and
 - (e) the mental health officer who was consulted under section 44(3)(c) of this Act.

Status: This is the original version (as it was originally enacted).

- (4) The responsible medical officer shall, before the expiry of the period of 7 days beginning with the day on which the certificate is revoked, give notice of its revocation to—
- (a) the Tribunal; and
 - (b) the Commission.