



Mental Health (Scotland) Act 2015

2015 asp 9

PART 1

THE 2003 ACT

Representation by named persons

23 Consent to being named person

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) In section 250 (nomination of named person)—

- (a) in subsection (1), for the words “(3) and (6)” there is substituted “ (2A), (3) and (6) ”,
- (b) after subsection (2) there is inserted—

“(2A) A nomination under subsection (1) above is valid only if—

- (a) a docket to the nomination states that the person nominated has consented to the nomination,
- (b) the docket is signed by the nominated person, and
- (c) the nominated person's signature is witnessed by a prescribed person.”,

- (c) in subsection (6), for the words “may decline” there is substituted “ ceases ”.

(3) In section 257 (named person: Tribunal's powers)—

- (a) in subsection (3), after the word “(4)” there is inserted “ or (5) ”,
- (b) after subsection (4) there is inserted—

“(5) An order under this section appointing a person to be a patient's named person may be made only if—

- (a) a document, signed by the person, states that the person has consented to being the patient's named person, and
- (b) the person's signature is witnessed by someone.

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 23. (See end of Document for details)

- (6) A person appointed by an order under this section to be a patient's named person ceases to be the patient's named person by giving notice to that effect to—
- (a) the Tribunal,
 - (b) the patient, and
 - (c) the local authority for the area in which the patient resides.”.

Commencement Information

- I1** S. 23(1)(2) in force at 5.5.2017 for specified purposes by S.S.I. 2017/126, art. 2, [sch.](#)
- I2** S. 23(1)(2) in force at 30.6.2017 for specified purposes by S.S.I. 2017/197, art. 2, [sch.](#) (with art. 16(a))
- I3** S. 23(3) in force at 30.6.2017 by S.S.I. 2017/197, art. 2, [sch.](#) (with art. 16(b))

Changes to legislation:

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