



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.

Status: This is the original version (as it was originally enacted).

- (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.”.