

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 15 – Preliminary Duties on the Making of Orders

Section 229: designation of mental health officer responsible for patient’s case

417. Subsection (1) of section 229 places two duties on the relevant local authority (as defined in subsection (3)). First it must ensure that, as soon as reasonably practicable after the occurrence of any relevant event listed in section 232, a mental health officer is designated as the mental health officer having responsibility for the patient’s case. Second, it must ensure that for as long as the patient is subject to any of the certificates, orders or directions listed in that section, a mental health officer is designated as having responsibility for that patient’s case.
418. Subsection (2) provides that the relevant local authority may at any time designate a mental health officer to act in place of the mental health officer designated under subsection (1) for all purposes or for a particular purpose.

Section 230: appointment of patient’s responsible medical officer

419. Subsection (1) of section 230 places a duty on the relevant managers (as defined in subsection (4)) to appoint as soon as is practicable after the occurrence of an “appropriate act” an approved medical practitioner to act as the patient’s responsible medical officer. The list of appropriate acts is given in subsection (4).
420. Subsection (2) provides that where an approved medical practitioner was acting as the patient’s responsible medical officer before an appropriate act took place, that approved medical practitioner may continue to act as that patient’s responsible medical officer.
421. Subsection (3) provides that the relevant managers may appoint an approved medical practitioner to act as the patient’s responsible medical officer in place of the existing responsible medical officer. They may also authorise an approved medical practitioner to act in the place of the patient’s responsible medical practitioner whether for a particular purpose or in particular circumstances. A definition of the relevant managers is given in subsection (4).

Section 231: mental health officer’s duty to prepare social circumstances report

422. Subsection (1) of section 231 provides that within 21 days of the occurrence of one of the events listed in section 232 the mental health officer must prepare a social circumstances report and send a copy to the patient’s responsible medical officer and the Commission. However, a report need not be prepared where the mental health officer believes that the report would serve little, or no, practical purpose (subsection (2)). Regulations made by the Scottish Ministers will set out the information that is to be contained in such a report.