



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

2003 asp 13

PART 14

ASSESSMENT OF NEEDS

228 Request for assessment of needs: duty on local authorities and Health Boards

- (1) Where—
- (a) a—
 - (i) local authority receive a request in writing for the needs of a person to be assessed under section 12A(1)(a) of the Social Work (Scotland) Act 1968 (c. 49); or
 - (ii) Health Board receives a request in writing for the needs of a person for services which are provided by Health Boards in respect of mentally disordered persons to be assessed; and
 - (b) any of the circumstances mentioned in paragraphs (a) to (c) of subsection (2) below apply,
- the authority or, as the case may be, the Board shall comply with the requirement in subsection (3) below.
- (2) The circumstances referred to in subsection (1)(b) above are—
- (a) that the request bears—
 - (i) to be made by a mentally disordered person; and
 - (ii) to be a request for the needs of that person to be assessed;
 - (b) that the request bears—
 - (i) to be made by the primary carer, or named person, of a mentally disordered person; and
 - (ii) to be a request for the needs of the mentally disordered person to be assessed; and
 - (c) though the request does not bear to be made as mentioned in paragraph (a) or (b) above, it appears to the local authority or, as the case may be, the Health Board that the request—

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 228 is up to date with all changes known to be in force on or before 04 January 2024. 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*

- (i) is a request for the needs of a mentally disordered person to be assessed; and
 - (ii) is made by that person, or by that person’s primary carer or named person.
- (3) The requirement referred to in subsection (1) above is to give notice, before the expiry of the period of 14 days beginning with the day on which the request is received, to the person who made the request—
- (a) of whether—
 - (i) the local authority intend; or
 - (ii) the Health Board intends,to undertake the assessment; and
 - (b) if the intention is not to undertake the assessment, of the reason why that is the case.

Commencement Information

II S. 228 in force at 5.10.2005 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)

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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\(3\)](#)