



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

## 2003 asp 13

### PART 15

#### PRELIMINARY DUTIES ON MAKING OF ORDERS ETC.

##### *Patient's responsible medical officer*

#### **230 Appointment of patient's responsible medical officer**

- (1) As soon as is reasonably practicable after the occurrence of an appropriate act in relation to a patient, the relevant managers shall appoint an approved medical practitioner to be the patient's responsible medical officer.
- (2) Where, immediately before the occurrence of an appropriate act, a patient has a responsible medical officer, the person appointed under subsection (1) above may be that person.
- (3) The relevant managers having responsibility under subsection (1) above may at any time—
  - (a) appoint an approved medical practitioner to be the patient's responsible medical officer in place of the existing responsible medical officer;
  - (b) authorise an approved medical practitioner to act (whether for a particular purpose or in particular circumstances) in place of the patient's responsible medical officer.
- (4) In this section—

“appropriate act” means—

  - (a) a relevant event;
  - (b) the granting of an emergency detention certificate;
  - (c) the making of a temporary compulsion order <sup>F1</sup>...;
  - (d) the variation of—
    - (i) a compulsory treatment order; or
    - (ii) a compulsion order;

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Patient's responsible medical officer is up to date with all changes known to be in force on or before 21 May 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*

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- (e) transfer to another hospital under section 124(2), 125(4)(b), 126(4), 218(2), 219(4)(b) or 220(4)(b) of this Act;
- (f) return to a hospital under section 125(5), 126(5), 219(5) or 220(5) of this Act; and

“relevant managers” means—

- (a) in a case where the appropriate act falls within any of paragraphs (a) to (c) of the definition of that expression above, the managers of the hospital in which the patient is detained or, as the case may be, which is specified in the order;
- (b) in a case where the appropriate act falls within paragraph (d) of that definition, the managers of the hospital specified in the order following modification under section 102, 103, 104, 106, 166, 167, 169, 171 or, as the case may be, 193(6) of this Act;
- (c) in a case where the appropriate act falls within paragraph (e) of that definition, the managers of the hospital to which the patient is transferred under any of the provisions mentioned in that paragraph; and
- (d) in a case where the appropriate act falls within paragraph (f) of that definition, the managers of the hospital to which the patient is returned under any of the provisions mentioned in that paragraph.

#### Textual Amendments

- F1** Words in [s. 230\(4\)](#) repealed (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 6(2)**, 61(2); [S.S.I. 2017/197](#), [art. 2](#), [sch.](#)

#### Modifications etc. (not altering text)

- C1** S. 230 applied (with modifications) (5.10.2005) by [Mental Health \(Cross-border transfer: patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), [regs. 1\(1\)](#), **29** (with [reg. 2](#))
- C2** S. 230 applied (with modifications) (3.11.2008) by [Mental Health \(England and Wales Cross-border transfer: patients subject to requirements other than detention\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/356\)](#), [regs. 1\(1\)](#), **18** (with [reg. 2](#))

#### Commencement Information

- II** S. 230 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](#))

**Changes to legislation:**

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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\(3\)](#)