



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 1

NAMED PERSON

Tribunal's powers

257 **Named person: Tribunal's powers**

(1) Where—

- (a) an application is made under section 255(4)(b) or (7)(b)(i) or 256(1)(a) of this Act; and
 - (b) the Tribunal is satisfied that the patient does not have a named person,
- the Tribunal may, subject to subsection (4) below, make an order appointing the person specified in the order to be the patient's named person.

(2) Where—

- (a) an application is made under section 255(6) or (7)(b)(ii) or 256(1)(b) of this Act; and
 - (b) the Tribunal is satisfied that it is inappropriate for the named person ("the acting named person") to be the patient's named person,
- the Tribunal may, subject to subsection (4) below, make an order declaring that the acting named person is not the named person or appointing the person specified in the order to be the patient's named person in place of the acting named person.

- (3) Where an application is made under section 256(1)(c) of this Act, the Tribunal may, subject to subsection (4) below, make such order as it thinks fit.

Status: This is the original version (as it was originally enacted).

- (4) It shall not be competent for the Tribunal to make an order under this section appointing a person who has not attained the age of 16 years to be a patient's named person.