



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

2003 asp 13

PART 5

EMERGENCY DETENTION

Revocation of certificate

39 Approved medical practitioner's duty to revoke emergency detention certificate

If the approved medical practitioner who carries out the medical examination required by section 38(2) of this Act is not satisfied—

- (a) that the conditions mentioned in section 36(4)(a) and (b) and (5)(b) of this Act continue to be met in respect of the patient; or
- (b) that it continues to be necessary for the detention in hospital of the patient to be authorised by the certificate,

the approved medical practitioner shall revoke the certificate.

40 Revocation of emergency detention certificate: notification

- (1) Where an approved medical practitioner revokes a certificate under section 39 of this Act, the practitioner shall, as soon as practicable after doing so, inform—
 - (a) the patient; and
 - (b) the managers of the hospital in which the patient is detained,of the revocation.
- (2) The managers of the hospital shall, as soon as practicable after being informed of the revocation, inform the persons mentioned in section 38(4) and (5) of this Act of the revocation.