



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

## 2003 asp 13

### PART 13

#### PARTS 8, 10 AND 11: SUSPENSION

##### *Certain other orders and directions*

#### **226 Certificate under section 224: revocation by Scottish Ministers**

- (1) Subsection (2) below applies where a certificate is granted under section 224(2) of this Act.
- (2) If the Scottish Ministers are satisfied that it is necessary—
  - (a) in the interests of the patient; or
  - (b) for the protection of any other person,that the certificate be revoked, the Scottish Ministers may revoke the certificate.
- (3) Where, under subsection (2) above, the Scottish Ministers revoke a certificate, they shall, as soon as practicable after the revocation, give notice of it to—
  - (a) the patient;
  - (b) the patient's named person;
  - (c) in a case where the certificate specified a period of more than 28 days, the patient's general medical practitioner;
  - (d) the patient's responsible medical officer;
  - (e) the mental health officer; and
  - (f) where a person is authorised for the purposes of section 224(7)(a) of this Act, that person.
- (4) Where, under subsection (2) above, the Scottish Ministers revoke a certificate granted under section 224(2) of this Act that specified a period of more than 28 days, they shall, before the expiry of the period of 14 days beginning with the day on which the certificate is revoked, give notice of the revocation to the Commission.

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**Changes to legislation:** Mental Health (Care and Treatment) (Scotland) Act 2003, Section 226 is up to date with all changes known to be in force on or before 26 May 2023. 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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#### Commencement Information

- II** [S. 226](#) 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:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 226 is up to date with all changes known to be in force on or before 26 May 2023. 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.

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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\(3\)](#)