



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

2003 asp 13

PART 14

ASSESSMENT OF NEEDS

227 Assessment of needs for community care services etc.

(1) Where—

- (a) a patient is a person for whom a local authority are under a duty or have a power to provide, or secure the provision of, community care services;
- (b) it appears to the mental health officer that, for the purposes of this Act or the 1995 Act, the patient should be assessed under subsection (1)(a) of section 12A of the Social Work (Scotland) Act 1968 (c. 49); and
- (c) the mental health officer notifies the local authority that the patient may be in need of community care services,

the patient shall for the purposes of that section be deemed to appear to the local authority to be a person who may be in need of any such services.

(2) In section 23(3) of the Children (Scotland) Act 1995 (c. 36) (local authority's duty to carry out, in response to request by parent or guardian, assessment of needs of child)—

- (a) after “by”, where it first occurs, there shall be inserted “—
(a) ”; and
- (b) after “guardian”, there shall be inserted “; or
(b) a mental health officer (as defined in section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)) who—
 - (i) has responsibility under that Act or the Criminal Procedure (Scotland) Act 1995 (c. 46) for a child's case; and
 - (ii) makes the request for the purposes of either of those Acts,”.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 227 is up to date with all changes known to be in force on or before 17 August 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

Commencement Information

- II** [S. 227](#) 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\(3\)](#)