



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,”.