



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

2003 asp 13

## PART 17

### PATIENT REPRESENTATION ETC.

#### CHAPTER 1

##### NAMED PERSON

*Applications to Tribunal by patient etc.*

#### **256      Named person: application by patient etc.**

(1) Where—

- (a) it appears to a person mentioned in subsection (2) below (any such person being referred to in this section as “the applicant”) that a patient does not have a named person;
- (b) the applicant considers that though the patient has a named person it is inappropriate that that person be the patient’s named person; or
- (c) circumstances of such description as may be prescribed by regulations exist, the applicant may apply to the Tribunal for an order under section 257 of this Act in relation to the patient.

(2) Those persons are—

- (a) the patient;
- (b) the patient’s responsible medical officer;
- (c) if the patient is a child, any person who has parental responsibilities in relation to the patient;
- (d) if the patient is in hospital, the managers of the hospital;
- (e) any welfare attorney of the patient;
- (f) any guardian of the patient;

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**Status:** This is the original version (as it was originally enacted).

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- (g) any relative of the patient; and
  - (h) any other person having an interest in the welfare of the patient.
- (3) In subsection (2)(c) above, “child” and “parental responsibilities” have the same meanings as they have in Part I of the Children (Scotland) Act [1995 \(c. 36\)](#).