



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

2003 asp 13

PART 5

EMERGENCY DETENTION

Revocation of 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 [^{F1}the Commission and] the persons mentioned in section 38(4) and (5) of this Act of the revocation.

Textual Amendments

- F1** Words in s. 40(2) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 4(4)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch.

Commencement Information

- II** S. 40 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 40 is up to date with all changes known to be in force on or before 25 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.

[View outstanding changes](#)

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\(3\)](#)