



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

2003 asp 13

PART 5

EMERGENCY DETENTION

Suspension of authority to detain

42 Certificate under section 41: revocation

- (1) Subsection (2) below applies where a certificate is granted under section 41(1) of this Act in respect of a patient.
- (2) If the patient's responsible medical officer is 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 responsible medical officer may revoke the certificate.
- (3) Where a responsible medical officer revokes a certificate under subsection (2) above, the responsible medical officer shall, as soon as practicable after doing so, inform—
 - (a) the patient;
 - (b) if the certificate includes a condition such as is mentioned in section 41(4)(a) of this Act, any person authorised in accordance with that condition; and
 - (c) the managers of the hospital in which the patient is detained,of the revocation.
- (4) 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.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 42 is up to date with all changes known to be in force on or before 18 July 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

Textual Amendments

- F1** Words in s. 42(4) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 4(5)**, 61(2); [S.S.I. 2017/197](#), **art. 2**, sch.
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Commencement Information

- I1** S. 42 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:

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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\(3\)](#)