



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

## 2003 asp 13

### PART 6

#### SHORT-TERM DETENTION

##### *Duties on hospital managers*

#### 46 Hospital managers' duties: notification

- (1) This section applies where a patient is [<sup>F1</sup>subject to] a short-term detention certificate.
- (2) The managers of the hospital shall as soon as practicable after the production to them of the short-term detention certificate, give notice of its granting to—
  - (a) the patient;
  - (b) the patient's named person;
  - (c) any guardian of the patient; and
  - (d) any welfare attorney of the patient.
- (3) The managers of the hospital shall, before the expiry of the period of 7 days beginning with the day on which the certificate is granted, give notice of its granting <sup>F2</sup>... to—
  - (a) the Tribunal; and
  - (b) the Commission.

[<sup>F3</sup>(4) When giving notice under subsection (2) or (3) above, the managers of the hospital are to send a copy of the certificate to each recipient of the notice.]

#### Textual Amendments

- F1** Words in s. 46(1) substituted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **sch. 1 para. 32(5)**
- F2** Words in s. 46(3) repealed (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 5(3)(a), 61(2)**; S.S.I. 2017/197, art. 2, **sch. (with art. 6)**

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 46 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. (See end of Document for details) View outstanding changes*

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**F3** S. 46(4) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 5(3)(b)**, 61(2); [S.S.I. 2017/197](#), art. 2, sch. (with art. 6)

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**Commencement Information**

**I1** S. 46 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\(3\)](#)