

MENTAL HEALTH (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE & A SUMMARY OF THE ACT

Part One – the 2003 Act

Section 24: Appointment of named person

Amendment of sections 255, 256, 257 and 320.

74. The Tribunal currently has power to appoint a named person, in the absence of an existing named person. Section 24(4) of the Act removes this power from the Tribunal, in relation to adults, and makes associated amendments to section 255 and 256 of the 2003 Act which currently allow the Mental Health Officer and certain persons listed in section 256(2) (including the patient) to apply to the Tribunal to have a named person appointed. A consequential amendment is made to section 320.

New section 257(3A)

75. Subsection (4) of section 24 adds subsection (3A) to section 257. Subsection (3A) makes provision for the Tribunal to remove an existing person if they are considered inappropriate to act as a named person and, if the individual appearing before the Tribunal is under 16, substitute another person to act as named person.