

*These notes relate to the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8) which received Royal Assent on 10 August 2022*

# **CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022**

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## **EXPLANATORY NOTES**

### **THE ACT: OVERVIEW**

#### **Part 3: Public Service Reform**

##### **Mental health**

##### ***Section 37: Mental health: removal of need for witnessing of signature of nominated person***

138. Section 250(2A) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides that the nomination of a named person is only valid if a docket to the nomination states that the person nominated has consented to the nomination, the docket is signed by the nominated person, and the nominated person's signature is witnessed by a "prescribed person" (an independent advocate; medical practitioner; arts therapist, dietician, occupational therapist, physiotherapist, practitioner psychologist and speech and language therapist; person employed in the provision of, or managing the provision of, a care service; registered nurse; social worker; and solicitor) when they agree to become a named person.
139. **Section 37** of this Act amends section 250(2A) of the 2003 Act so that the nominated person's signature will no longer require to be witnessed by a prescribed person. This replicates permanently the temporary modification made by paragraph 15 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020.