



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 1

NAMED PERSON

Meaning of “named person”

252 Named person in relation to child

- (1) The named person of a person who has not attained the age of 16 years (“the child”) shall be—
- (a) subject to subsection (2) below, in a case where a person who has attained the age of 16 years has parental rights and parental responsibilities in relation to the child, that person;
 - (b) in a case where the child is in the care of a local authority by virtue of a care order made under section 31 of the Children Act 1989 (c. 41), that authority; or
 - (c) in any other case, where the child’s primary carer has attained the age of 16 years, that person.
- (2) Subject to subsection (3) below, where two or more persons who have attained the age of 16 years have parental rights and parental responsibilities in relation to the child, the named person of the child shall be—
- (a) if those persons agree that one of them is to be the named person of the child, that person; or
 - (b) if those persons do not so agree, the one of them—
 - (i) who provides, on a regular basis, all, or most, of the care for, and support to, the child;

Status: This is the original version (as it was originally enacted).

(ii) in a case where the child is in hospital, who provided all, or most, of that care for, and support to, the child before the child was admitted to hospital.

(3) If—

- (a) one of the persons who has parental rights and parental responsibilities in relation to the child is a local authority; and
- (b) the local authority has those rights and responsibilities by virtue of an order under section 86(1) of the Children (Scotland) Act 1995 (c. 36) (orders transferring parental rights and parental responsibilities),

the local authority shall be the child's named person.

(4) In this section—

“parental responsibilities”, in relation to a child, has the meaning given by section 1(3) of the Children (Scotland) Act 1995 (c. 36); and

“parental rights”, in relation to a child, has the meaning given by section 2(4) of that Act.