



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 1

NAMED PERSON

Meaning of “named person”

253 Declaration in relation to named person

- (1) Subject to subsection (4) below and to section 257 of this Act, where a person who has attained the age of 16 years (“the declarer”) makes a declaration in writing in accordance with subsection (2) below stating that a person specified in the declaration shall not be the declarer’s named person, that person shall not be the declarer’s named person.
- (2) A declaration is made in accordance with this subsection if—
 - (a) signed by the declarer; and
 - (b) witnessed by a prescribed person who certifies that, in the opinion of the prescribed person, the declarer—
 - (i) understands the effect of making the declaration; and
 - (ii) has not been subjected to any undue influence in making the declaration.
- (3) A declaration under this section shall be effective notwithstanding the individual’s becoming, after making the declaration, incapable.
- (4) A declaration under subsection (1) above may be revoked by the declarer in accordance with subsection (5) below.

Status: This is the original version (as it was originally enacted).

- (5) A declaration is revoked in accordance with this subsection if the revocation is—
- (a) signed by the declarer; and
 - (b) witnessed by a prescribed person who shall certify that, in the opinion of the prescribed person, the declarer—
 - (i) understands the effect of revoking the declaration; and
 - (ii) has not been subjected to any undue influence in making the revocation.
- (6) In this section, “incapable” and “prescribed person” have the same meaning as in section 250 of this Act.