



Mental Health (Scotland) Act 2015

2015 asp 9

PART 1

THE 2003 ACT

Representation by named persons

24 Appointment of named person

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In section 255 (named person: mental health officer's duties etc.)—
 - (a) subsections (3) to (5) are repealed,
 - (b) in paragraph (b) of subsection (7), sub-paragraph (i) is repealed together with the word "or" immediately following it.
- (3) In section 256 (named person: application by patient etc.)—
 - (a) paragraph (a) of subsection (1) is repealed,
 - (b) in paragraph (b) of subsection (1), for the words "the applicant" there is substituted "a person mentioned in subsection (2) below ("the applicant)".
- (4) In section 257 (named person: Tribunal's powers)—
 - (a) subsection (1) is repealed,
 - (b) in subsection (2), for the words from "declaring" to the end there is substituted "as allowed by subsection (3A)",
 - (c) after subsection (3) there is inserted—
 - "(3A) For the purpose of subsection (2), this subsection allows an order—
 - (a) in any case, to declare that the acting named person is not the named person,
 - (b) if the patient has not attained the age of 16 years, to appoint the person specified in the order to be the patient's named person in place of the acting named person."
- (5) In section 320 (appeal to sheriff principal against certain decisions of the Tribunal), paragraph (t) of subsection (1) is repealed.