
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 197

The Mental Health (Scotland) Act 2015 (Commencement No. 4 and Transitional and Savings Provisions) Order 2017

NAMED PERSONS

Named persons in respect of patients subject to relevant orders: savings and cessation

13.—(1) Despite the commencement of section 22 of the Act and the repeal of section 251(1) of the 2003 Act, any person who, before the appointed day, is a named person in relation to another person who is subject to a relevant order (“the patient”) by virtue of that section continues to be a named person in relation to the patient until any one of the events mentioned in paragraph (2) occurs.

(2) The events are—

- (a) the making of a declaration under article 15 by the patient;
- (b) where the patient is subject to a short-term detention certificate, the revocation of that certificate;
- (c) where the patient is subject to a compulsory treatment order, the revocation of that order;
- (d) where the patient is subject to a compulsion order, the revocation of that order;
- (e) where the patient is subject to a hospital direction or transfer for treatment direction, the revocation of that hospital direction or transfer for treatment direction under section 210(2) (revocation following responsible medical officer report), 212(3) or (4) (duty of Scottish Ministers to keep directions under review) or 215(5) (powers of Tribunal on reference under section 201(3), 211(2) or 213(2) or on application under section 214(2));
- (f) where the patient is subject to an interim compulsory treatment order, the revocation of that order (including the revocation by virtue of section 75 (effect of subsequent compulsory treatment order on interim compulsory treatment order) of the 2003 Act).

(3) In this article “relevant order” means—

- (a) a short-term detention certificate;
- (b) a compulsory treatment order;
- (c) an interim compulsory treatment order;
- (d) a compulsion order;
- (e) a hospital direction;
- (f) a transfer for treatment direction.

(4) This article ceases to have effect on 30th June 2018.