



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

2003 asp 13

PART 17

PATIENT REPRESENTATION ETC.

CHAPTER 1

NAMED PERSON

Meaning of “named person”

251 Named person where no person nominated or nominated person declines to act

- (1) Subject to subsections (2) to (5) below, where, in the case of a person who has attained the age of 16 years, there is no person who is by virtue of section 250 of this Act the person's named person, the person's primary carer shall, unless the person's primary carer has not attained the age of 16 years, be the person's named person.
- (2) Where a person's primary carer has not attained the age of 16 years, but the person has a carer who has attained that age, that carer shall be the person's named person.
- (3) Where—
 - (a) a person does not have a primary carer; or
 - (b) a person's primary carer has not attained the age of 16 years,but the person has two or more carers who have attained the age of 16 years, those carers may agree which of them is to be the named person of the person.
- (4) Where, by virtue of subsection (2) or (3) above, a carer is a person's named person, the references in subsections (5) and (6) below to a person's primary carer shall be construed as references to that carer.
- (5) If—
 - (a) the person has no primary carer; or

Status: This is the original version (as it was originally enacted).

- (b) the person's primary carer declines in accordance with subsection (6) below to be the person's named person,
the person's nearest relative shall be the person's named person.
- (6) A person's primary carer declines in accordance with this subsection to be the person's named person by giving notice to—
 - (a) the person; and
 - (b) the local authority for the area in which the person resides,
to that effect.