



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

2003 asp 13

## PART 6

### SHORT-TERM DETENTION

#### *Short-term detention certificate*

#### **45 Mental health officer's duty to interview patient etc.**

- (1) Subject to subsection (2) below, before deciding whether to consent for the purposes of section 44(3)(d) of this Act, a mental health officer shall—
  - (a) interview the patient;
  - (b) ascertain the name and address of the patient's named person;
  - (c) inform the patient of the availability of independent advocacy services under section 259 of this Act; and
  - (d) take appropriate steps to ensure that the patient has the opportunity of making use of those services.
- (2) If it is impracticable for the mental health officer to—
  - (a) interview the patient; or
  - (b) ascertain the name and address of the patient's named person,the mental health officer shall comply with the requirements in subsection (3) below.
- (3) Those requirements are—
  - (a) recording the steps taken by the mental health officer with a view to complying with the duty concerned; and
  - (b) before the expiry of the period of 7 days beginning with the day on which the mental health officer is consulted by an approved medical practitioner under section 44(3)(c) of this Act, giving a copy of the record to the approved medical practitioner.