



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

## 2003 asp 13

### PART 4

#### HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

#### CHAPTER 1

#### HEALTH BOARD DUTIES

#### *Approved medical practitioners*

#### **22 Approved medical practitioners**

- (1) Subject to subsection (3) below, the persons mentioned in subsection (2) below shall each compile and maintain a list of medical practitioners who—
  - (a) have such qualifications and experience, and have undertaken such training, as may be specified in directions given by the Scottish Ministers; and
  - (b) are approved for the purposes of this paragraph by the Board concerned as having special experience in the diagnosis and treatment of mental disorder.
- (2) Those persons are—
  - (a) a Health Board; and
  - (b) the State Hospitals Board for Scotland.
- (3) A list compiled by a Health Board under subsection (1) above shall be compiled for its area.
- (4) A medical practitioner included for the time being in any list maintained under subsection (1) above is referred to in this Act as an “approved medical practitioner”.

#### **Commencement Information**

**II** S. 22 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, [Sch. 1](#)

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*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Chapter 1 is up to date with all changes known to be in force on or before 28 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- I2** S. 22 in force at 5.10.2005 in so far as not already in force by S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

*Services and accommodation: particular cases*

**23 Provision of services and accommodation for certain patients under 18**

- (1) A Health Board shall provide for any child or young person who—
- (a) is detained in hospital under Part 5 or 6 of this Act; or
  - (b) has been admitted to hospital, whether voluntarily or not, for the purposes of receiving treatment for a mental disorder,
- such services and accommodation as are sufficient for the particular needs of that child or young person.
- (2) In this section, “child or young person” means a person under the age of 18 years.

**Commencement Information**

- I3** S. 23 in force at 5.10.2005 by S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

**24 [F1 Services and accommodation for mothers]**

- (1) A Health Board shall provide for any woman who—
- (a) is the mother or adoptive mother of a child less than one year old;
  - (b) cares for the child;
  - (c) is not likely to endanger the health or welfare of the child; and
  - (d) has been admitted to hospital, whether voluntarily or not, for the purposes of receiving treatment [F2 for—
    - (i) post-natal depression; or
    - (ii) a mental disorder (other than post-natal depression),]
 such services and accommodation as are necessary to ensure that the woman is able, if she wishes, to care for the child in hospital.

[F3(1A) But a Health Board is required to provide services and accommodation under subsection (1) above only if it is satisfied that doing so would be beneficial to the wellbeing of the child.]

(2) Each Health Board shall collaborate with other Health Boards to whatever extent is necessary to fulfil its duty under subsection (1) above.

**Textual Amendments**

- F1** S. 24 title substituted by virtue of (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 31\(3\), 61\(2\); S.S.I. 2017/197, art. 2, sch.](#)
- F2** Words in s. 24(1)(d) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 31\(2\)\(a\), 61\(2\); S.S.I. 2017/197, art. 2, sch.](#)
- F3** S. 24(1A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 31\(2\)\(b\), 61\(2\); S.S.I. 2017/197, art. 2, sch.](#)

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#### **Commencement Information**

- 14** S. 24 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)