



THE SCOTTISH OFFICE

NHS:  
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National Health Service in Scotland  
Management Executive

SCOTTISH HEALTH SERVICE  
COMMON SERVICES AGENCY  
TRINITY HOUSE, 100 ROYAL MILE, EDINBURGH  
CLASS  
ACC. 960423  
Price

St. Andrew's House  
Edinburgh EH1 3DG

Dear Colleague

**AUTHORISED RESPONSIBLE MEDICAL OFFICER  
STATUS AND APPROVED MEDICAL PRACTITIONER  
STATUS UNDER THE MENTAL HEALTH  
(SCOTLAND) ACT 1984**

16 March 1994

Summary

1. This letter is to explain the current legal position concerning approved medical practitioners for the purposes of Section 20(1)(b) of the Mental Health (Scotland) Act 1984 (the 1984 Act) and how this affects NHS Trusts.

Addressees

For Action:

General Managers,  
Health Boards

Chief Executives, NHS  
Trusts

Chief Executives  
Designate, NHS Trusts

For information:

Unit General Managers

General Manager,  
Common Services Agency

Background

2. The legal position on procedure for admission of patients to hospitals is set out in the Mental Health Act (Scotland) 1984. Section 20 of the Act deals with "Medical recommendations: Hospital" and sets out the requirements for the purposes of an application for admission.

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3. A responsible medical officer is a medical practitioner employed on the staff of the hospital where a patient is liable to be detained and who is authorised by the management to act in that capacity. Where a hospital is managed by an NHS Trust the managers of the hospital means the Directors of that Trust by virtue of Section 125(1) of the 1984 Act. Therefore, where a patient is detained in a hospital managed by an NHS Trust the Directors of that Trust may under Section 59 of the 1984 Act authorise a medical practitioner employed on the staff of that hospital to be the responsible medical officer.

4. The position concerning approved medical practitioners for the purposes of Section 20(1)(b) of the 1984 Act is unchanged. The practitioner still requires to be approved by a Health Board. Approval as having special experience in the diagnosis and treatment of mental disorder can only be given by the Health Board.

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5. General Managers and Chief Executives are asked to ensure that all relevant staff are aware:

5.1 that an NHS Trust as managers of a hospital may authorise doctors employed in that

hospital having the appropriate experience and qualifications to be a responsible medical officer;

5.2 that approval for the purposes of Section 20(1)(b) of the 1984 Act must be given by a Health Board, and accordingly any relevant documents including in particular Form 3 (Medical Recommendation for Admission to Hospital) must show the name of the approving Health Board.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'G. W. Tucker', is written over a horizontal line.

**G W TUCKER**