

*These notes relate to the Mental Health (Care and Treatment) (Scotland)
Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Compulsion Orders

Chapter 1: duties following making of order

Section 137: Part 9 care plan

274. **Section 137** makes provision for a care plan to be prepared once a compulsion order is made. Unlike the Tribunal, a criminal court does not require a care plan to be submitted before an order is made. However, it should be prepared subsequently as it will be relevant for future reviews by the Tribunal. As soon as practicable after being appointed under section 230, the patient's responsible medical officer must prepare a care plan and make sure that it is included in the patient's medical records. The section also provides for the amendment of a care plan by the responsible medical officer.

Section 138: mental health officer's duty to identify named person

275. **Section 138** provides that as soon as practicable after a compulsion order is made, the patient's mental health officer must take reasonable steps to find out the name and address of the patient's named person.