

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 2: review of compulsion orders

Mandatory reviews by responsible medical officer

Section 139: first review of compulsion order

276. **Section 139** sets out the procedure for the first review of a compulsion order. The order requires to be reviewed at regular intervals in a similar manner to a compulsory treatment order. If it is not extended, a compulsion order will expire after 6 months (see section 57A(2) of the 1995 Act, inserted by section 133 of the 2003 Act).
277. The section provides that within the last 2 months before the compulsion order is due to expire, the responsible medical officer must:
- carry out or make arrangements for a medical examination of the patient;
 - consult the mental health officer;
 - consult the persons mentioned in subsection (5) that the responsible medical officer considers appropriate;
 - consult any other persons that the responsible medical officer considers appropriate; and
 - consider whether the conditions mentioned in subsection (4) continue to apply and whether it is necessary that the order be renewed.
278. Subsection (4) sets out the conditions which the responsible medical officer is to decide either do or do not continue to apply in respect of the patient. Those conditions mirror the conditions set out in section 57A(3) of the 1995 Act which must be satisfied before the court can make a compulsion order.
279. The duty in this section exists alongside the ongoing duty on the responsible medical officer in section 142 to keep the need for the compulsion order under regular review.