

*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

Review by Tribunal of determination extending order

Section 165: Tribunal's duty to review determination under section 152

312. [Section 165](#) provides that the Tribunal must, in certain circumstances, review the section 152 determination by the responsible medical officer to extend the compulsion order. Those circumstances are-

- the responsible medical officer's record (prepared under section 153) states that-
 - there is a change in diagnosis of the type (or types) of mental disorder that the patient has from the type which was recorded in the compulsion order; or
 - the mental health officer either disagrees with the determination or has not carried out that officer's duties under section 151(2)(d)(i); or
- no review has been made by the Tribunal of the compulsion order, which would have been in force for 2 years ending with the day on which the order, had it not been extended, would have ceased to authorise the measures specified, either under this section or under section 167.