

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 10 - Compulsion Orders and Restriction Orders

Chapter 2: review of orders

Application by patient etc

Section 192: application to Tribunal by patient and named person

345. **Section 192** gives a patient subject to a compulsion order combined with a restriction order and the patient's named person the right to apply to the Tribunal for any of the following orders-
- conditional discharge;
 - revocation of the restriction order;
 - revocation of the restriction order and variation of the compulsion; and
 - revocation of the compulsion order (the restriction order will automatically fall when the compulsion order falls (see section 197)).
346. The patient and the patient's named person can each apply once in the period beginning with the day 6 months after the compulsion order was made and ending on the anniversary of the order; and once in any subsequent 12 month period. However, neither of them can apply within a three month period after the Tribunal has conducted any review of the compulsion order and restriction order to which the patient is subject, and this includes where the Tribunal has carried out such a review and decided to make no order. The patient's named person must give notice to the patient if the named person makes an application under this section.