

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 11 – Hospital Directions and Transfer for Treatment Directions

Scottish Ministers' duty to keep directions under review

Section 212: duty of Scottish Ministers to keep directions under review

377. **Section 212** provides that the Scottish Ministers are under a duty to keep the hospital direction or transfer for treatment direction to which a patient is subject under review by considering the matters set out in subsection (2). The Scottish Ministers are under a duty to revoke if not satisfied that the patient has a mental disorder or where they are satisfied that that is the case but are not satisfied that, as a result of the disorder, it is necessary in order to protect any other person from serious harm, for the patient to be detained in hospital, whether for medical treatment or not, and they are not satisfied that the conditions in section 206(4)(b) and (c) continue to apply.
378. Subsection (5) makes equivalent provision for this section to that made by section 193(10) for that section.