

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

Application by patient etc

Section 214: application to Tribunal by patient and named person

381. **Section 214** gives a patient subject to a hospital direction or a transfer for treatment direction and the patient's named person the right to apply to the Tribunal for revocation of the direction.
382. Where a patient is subject to a hospital direction, neither the patient nor the named person may apply to the Tribunal during the first 6 months following the day on which the direction was made. However, they may each apply to the Tribunal once during the subsequent 6 month period and then once every 12 months thereafter.
383. Where a patient is subject to a transfer for treatment direction, the patient and patient's named person may each apply to the Tribunal once within the 12 week period beginning with the day on which the direction is made. If an application is not made within that timescale then the patient or the named person may not apply until 6 months have elapsed after the making of the direction. The patient and the named person can then each apply to the Tribunal once during the subsequent 6 month period and then once every 12 months thereafter.
384. The patient's named person must give notice to the patient if the named person makes an application under this section.