

*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**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 7 – Compulsory Treatment Orders**

##### ***Chapter 2: interim compulsory treatment orders: review and revocation***

##### ***Sections 72 to 75: revocation of interim compulsory treatment orders***

115. Subsection (1) of section 72 imposes on the patient's responsible medical officer a duty to review the order from time to time to establish whether the matters mentioned in paragraphs (a) and (b) of that subsection apply. Following such a review, subsection (2) places that officer under a duty to revoke the order if not satisfied that either of the tests set out in that subsection is met.
116. [Section 73](#) confers power on the Commission to revoke an interim compulsory treatment order if it is satisfied that one of the tests in that section is met in the case of a particular patient.
117. If an order is revoked under section 72 or 73, the notification requirements in section 74 must be complied with as soon as possible after the revocation. Subsection (1) relates to revocations under section 72 and subsection (2) relates to revocations under section 73. In each case, the list of persons to be notified (set out in subsection (3)) is the same.
118. [Section 75](#) provides that where a compulsory treatment order is made in respect of a patient who is subject to an interim compulsory treatment order, that interim order is automatically revoked.