

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 7 – Compulsory Treatment Orders

Chapter 4: review of orders

Section 78: further mandatory reviews

121. [Section 78](#) provides for further mandatory reviews of compulsory treatment orders following the first review. The section applies to compulsory treatment orders which have been extended by one of the three types of determination set out in subsection (1) (a) (broadly, a determination on first review extending the order for six months; a determination on the first further review (i.e. at the end of that six month extension) extending the order for twelve months; and a determination on a second or later further review (extending the order for a further period of twelve months)). It also applies to orders which have been extended by the Tribunal under section 103.
122. Subsection (2) imposes a duty on the patient’s responsible medical officer to carry out a review. He or she must comply with the requirements in section 77(3). As with the first review, the further review must take place within two months of the date on which the extended order would otherwise expire.
123. There are three possible outcomes of a review of an order. Each is considered in turn.