



# Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

## PART 10

### COMPULSION ORDERS AND RESTRICTION ORDERS

#### CHAPTER 2

##### REVIEW OF ORDERS

##### *Annual review of orders*

#### **182      Review of compulsion order and restriction order**

- (1) This section applies where a patient is subject to a compulsion order and a restriction order.
- (2) The patient's responsible medical officer shall, during the period of 2 months ending with the relevant day, carry out a review in respect of both the compulsion order and restriction order by complying with the requirements set out in subsection (3) below.
- (3) Those requirements are—
  - (a) to—
    - (i) carry out a medical examination of the patient; or
    - (ii) make arrangements for an approved medical practitioner to carry out such a medical examination;
  - (b) to consider—
    - (i) whether the conditions mentioned in subsection (4) below continue to apply in respect of the patient;
    - (ii) whether, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment;

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*Status: This is the original version (as it was originally enacted).*

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- (iii) whether it continues to be necessary for the patient to be subject to the compulsion order; and
    - (iv) whether it continues to be necessary for the patient to be subject to the restriction order; and
  - (c) to consult the mental health officer.
- (4) Those conditions are—
- (a) that the patient has a mental disorder;
  - (b) that medical treatment which would be likely to—
    - (i) prevent the mental disorder worsening; or
    - (ii) alleviate any of the symptoms, or effects, of the disorder,is available for the patient; and
  - (c) that if the patient were not provided with such medical treatment there would be a significant risk—
    - (i) to the health, safety or welfare of the patient; or
    - (ii) to the safety of any other person.
- (5) In subsection (2) above, the “relevant day” means—
- (a) the day which falls 12 months after the day on which the compulsion order is made; or
  - (b) where that relevant day has passed, the day falling on the same day in every year thereafter.