



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

2003 asp 13

## PART 7

### COMPULSORY TREATMENT ORDERS

#### CHAPTER 4

##### REVIEW OF ORDERS

*Variation of order: application by responsible medical officer*

#### **93 Responsible medical officer's duties: variation of order**

- (1) This section applies where a patient is subject to a compulsory treatment order.
- (2) Without prejudice to the duties imposed on the patient's responsible medical officer by sections 77(2), 78(2) and 83(2) of this Act, the responsible medical officer shall from time to time consider whether the compulsory treatment order should be varied by modifying the measures, or any recorded matter, specified in it.
- (3) If it appears to the responsible medical officer that the compulsory treatment order should be varied as mentioned in subsection (2) above, the responsible medical officer shall, as soon as practicable, comply with the requirements in subsection (4) below.
- (4) Those requirements are—
  - (a) to assess the needs of the patient for medical treatment;
  - (b) to consider what modification, if any, of the measures, or any recorded matter, specified in the compulsory treatment order is appropriate;
  - (c) to consult—
    - (i) the mental health officer; and
    - (ii) such persons as the responsible medical officer considers appropriate.

- (5) If, having regard to any views expressed by persons consulted under subsection (4)(c) above, the responsible medical officer is satisfied that the compulsory treatment order should be varied as mentioned in subsection (2) above, the responsible medical officer shall make an application to the Tribunal under section 95 of this Act for an order under section 103 of this Act varying the compulsory treatment order in that way.
- (6) An application made under section 95 of this Act, by virtue of subsection (5) above, for an order mentioned in that subsection shall be made as soon as practicable after the duty to make it arises.

**94      Application by responsible medical officer for variation of order: notification**

Where, by virtue of section 93(5) of this Act, an application is to be made under section 95 of this Act, the patient's responsible medical officer shall, as soon as practicable after the duty to make the application arises (and, in any event, before making the application), give notice that the application is to be made to the persons mentioned in section 91(a) to (f) of this Act.

**95      Application to Tribunal by responsible medical officer**

An application under this section to the Tribunal by a patient's responsible medical officer for an order varying a compulsory treatment order—

- (a) shall state the matters mentioned in section 92(a)(i) to (vi) of this Act; and
- (b) shall be accompanied by such documents as may be prescribed by regulations.