



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

2003 asp 13

## PART 9

### COMPULSION ORDERS

#### CHAPTER 1

##### DUTIES FOLLOWING MAKING OF ORDER

#### 137 Part 9 care plan

- (1) This section applies where a compulsion order authorising the measures specified in it for the period mentioned in section 57A(2) of the 1995 Act (any such compulsion order being referred to in this Part of this Act as a “relevant compulsion order”) is made in respect of a patient.
- (2) As soon as practicable after a patient’s responsible medical officer is appointed under section 230 of this Act the responsible medical officer shall—
  - (a) prepare a plan (any such plan being referred to in this Part of this Act as a “Part 9 care plan”) relating to the patient; and
  - (b) ensure that the patient’s Part 9 care plan is included in the patient’s medical records.
- (3) The Part 9 care plan shall record—
  - (a) the medical treatment—
    - (i) which it is proposed to give; and
    - (ii) which is being given,to the patient while the patient is subject to the compulsion order; and
  - (b) such other information relating to the care of the patient as may be prescribed by regulations.
- (4) Subject to subsection (5)(b) below, a patient’s responsible medical officer may from time to time amend the patient’s Part 9 care plan.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Regulations may prescribe—
  - (a) circumstances in which a patient’s responsible medical officer is required to amend the patient’s Part 9 care plan;
  - (b) information in a Part 9 care plan which may not be amended.
- (6) Where a patient’s responsible medical officer amends the patient’s Part 9 care plan—
  - (a) the responsible medical officer shall secure that, as soon as practicable after it is amended, the amended Part 9 care plan is included in the patient’s medical records; and
  - (b) subsections (3) to (5) above and this subsection shall apply as if references to the Part 9 care plan were references to the amended Part 9 care plan.

**138      Mental health officer’s duty to identify named person**

The mental health officer shall, as soon as practicable after a relevant compulsion order is made in respect of the patient, take such steps as are reasonably practicable to ascertain the name and address of the patient’s named person.