



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

## 2003 asp 13

### PART 9

#### COMPULSION ORDERS

#### CHAPTER 2

##### REVIEW OF COMPULSION ORDERS

##### *Applications to Tribunal by patient etc.*

#### **163 Application to Tribunal by patient etc. for revocation of determination extending compulsion order**

- (1) Subject to subsection (2) below, where a patient's responsible medical officer makes a determination under section 152 of this Act—
  - (a) the patient; or
  - (b) the patient's named person,may make an application under this section to the Tribunal for an order under section 167 of this Act revoking the determination.
- (2) Subsection (1) above does not apply where the Tribunal is required, by virtue of section 165 of this Act, to review the determination.

#### **164 Application to Tribunal by patient etc. for revocation or variation of compulsion order**

- (1) This section applies where a patient is subject to a relevant compulsion order.
- (2) Either of the persons mentioned in subsection (3) below may, subject to subsections (4) to (6) below, make an application under this section to the Tribunal for an order under section 167 of this Act—

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*Status: This is the original version (as it was originally enacted).*

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- (a) revoking the compulsion order; or
  - (b) varying that order by modifying the measures specified in it.
- (3) The persons referred to in subsection (2) above are—
  - (a) the patient; and
  - (b) the patient’s named person.
- (4) An application under this section may not be made—
  - (a) in respect of a compulsion order that has not been extended;
  - (b) during the period of 3 months beginning with the making of—
    - (i) an order in respect of the compulsion order made under section 166 of this Act; or
    - (ii) an order in respect of the compulsion order made, by virtue of section 149 or 158 of this Act, under section 167 of this Act.
- (5) If—
  - (a) an application under this section for revocation of a compulsion order is refused; or
  - (b) an application is made under this section for variation of a compulsion order, the person who made the application shall not be entitled to make more than one further application under this section in respect of the compulsion order during the period mentioned in subsection (7) below.
- (6) If an application under section 163 of this Act for revocation of a determination under section 152 of this Act is refused, the person who made that application shall not be entitled to make more than one application under this section in respect of the compulsion order which is the subject of the determination during the period mentioned in subsection (7) below.
- (7) The period referred to in subsections (5) and (6) above is—
  - (a) where the application is made during the period of 6 months beginning with the expiry of the initial period, that period of 6 months; or
  - (b) any subsequent period of 12 months that begins with, or with an anniversary of, the expiry of the period of 6 months mentioned in paragraph (a) above.
- (8) In subsection (7)(a) above, “initial period” means the period of 6 months beginning with the day on which the compulsion order is made.