



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

2003 asp 13

PART 9

COMPULSION ORDERS

CHAPTER 2

REVIEW OF COMPULSION ORDERS

Further steps to be taken where order not revoked

145 Mandatory reviews: further steps to be taken where compulsion order not revoked

- (1) This section applies where a patient's responsible medical officer is carrying out—
 - (a) the first review of the relevant compulsion order to which the patient is subject; or
 - (b) a further review of that order.
- (2) If, having regard to any views expressed by persons consulted under section 139(3)(c) of this Act for the purpose of the review being carried out, the patient's responsible medical officer is satisfied—
 - (a) that the conditions mentioned in section 139(4) of this Act continue to apply in respect of the patient; and
 - (b) that it continues to be necessary for the patient to be subject to a compulsion order,the responsible medical officer shall comply with the requirements in subsection (3) below.
- (3) Those requirements are—

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Further steps to be taken where order not revoked is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) to consider whether it will continue to be necessary for the patient to be subject to a compulsion order after the day on which the order to which the patient is subject will cease (unless extended) to authorise the measures specified in it;
- (b) to assess the needs of the patient for medical treatment;
- (c) to consider—
 - (i) whether the compulsion order should be varied by modifying the measures specified in it;
 - (ii) if the order should be varied, what modification is appropriate; and
- (d) to consider any views expressed on the matters mentioned in paragraphs (a) to (c) above by persons consulted under section 139(3)(c) of this Act.

Commencement Information

- II** S. 145 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)