



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

2003 asp 13

PART 9

COMPULSION ORDERS

CHAPTER 2

REVIEW OF COMPULSION ORDERS

Mandatory reviews by responsible medical officer

139 First review of compulsion order

- (1) This section applies where a relevant compulsion order is made in respect of a patient.
- (2) The patient's responsible medical officer shall, during the appropriate period, carry out a review in respect of the compulsion order (such review being referred to in this Part of this Act as the "first review") by complying with the requirements 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; and
 - (ii) whether it continues to be necessary for the patient to be subject to the compulsion order; and
 - (c) to consult—
 - (i) the mental health officer;

Status: This is the original version (as it was originally enacted).

- (ii) such persons as are mentioned in subsection (5) below as the responsible medical officer considers appropriate; and
 - (iii) such other persons as the responsible medical officer considers appropriate.
- (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) The persons referred to in subsection (3)(c)(ii) above are—
- (a) persons who appear to the responsible medical officer to provide medical treatment of the kind that is recorded in the Part 9 care plan;
 - (b) if any community care services or relevant services are set out in that plan, persons who appear to the responsible medical officer to provide services of that kind;
 - (c) if any other treatment, care or service is set out in that plan, persons who appear to the responsible medical officer to provide treatment, care or a service of that kind.
- (6) In subsection (2) above, “appropriate period” means the period of 2 months ending with the day on which the relevant compulsion order ceases to authorise the measures specified in it.

140 Further reviews of compulsion order

- (1) This section applies where a relevant compulsion order is extended by virtue of an order under section 167 of this Act.
- (2) The patient’s responsible medical officer shall, during the period mentioned in subsection (3) below, carry out a review in respect of the compulsion order (such review being referred to in this Part of this Act as a “further review”) by complying with the requirements in section 139(3) of this Act.
- (3) The period referred to in subsection (2) above is the period of 2 months ending with the day on which the compulsion order, as extended by virtue of the order, ceases to authorise the measures specified in it.