



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

2003 asp 13

PART 9

COMPULSION ORDERS

CHAPTER 2

REVIEW OF COMPULSION ORDERS

Variation of order

159 Responsible medical officer's duties: variation of compulsion order

- (1) This section applies where a patient is subject to a relevant compulsion order.
- (2) Without prejudice to the duties imposed on the patient's responsible medical officer by sections 139(2), 140(2) and 145(2) of this Act, the responsible medical officer shall from time to time consider whether the compulsion order should be varied by modifying the measures specified in it.
- (3) If it appears to the responsible medical officer that the compulsion order should be varied by modifying the measures specified in it, 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 specified in the compulsion order is appropriate; and
 - (c) to consult—
 - (i) the mental health officer; and
 - (ii) such other persons as the responsible medical officer considers appropriate.

Status: This is the original version (as it was originally enacted).

- (5) If, having regard to any views expressed by persons consulted under subsection (4)(c) above, the responsible medical officer is satisfied that the compulsion order should be varied by modifying the measures specified in it, the responsible medical officer shall make an application to the Tribunal under section 161 of this Act for an order under section 167 of this Act varying the compulsion order in that way.

160 Application for variation of compulsion order: notification

Where, by virtue of section 159(5) of this Act, an application is to be made under section 161 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 157(a) to (f) of this Act.

161 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 compulsion order—

- (a) shall state the matters mentioned in section 158(a) of this Act; and
- (b) shall be accompanied by such documents as may be prescribed by regulations.