



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 5

BREACH OF ORDERS

Non-compliance generally with order

113 Non-compliance generally with order

- (1) Where—
- (a) a patient is subject to—
 - (i) a compulsory treatment order; or
 - (ii) an interim compulsory treatment order,that does not authorise the detention of the patient in hospital;
 - (b) the patient fails to comply with any measure authorised by the order; and
 - (c) subsection (2) or (3) below applies,
- the power conferred by subsection (4) below may be exercised.
- (2) This subsection applies if the patient's responsible medical officer considers that—
- (a) reasonable steps have been taken to contact the patient following the patient's failure to comply with the measure;
 - (b) if contact has been made with the patient, the patient has been afforded a reasonable opportunity to comply with the measure; and
 - (c) if the patient were to continue to fail to comply with the measure, it is reasonably likely that there would be a significant deterioration in the patient's mental health.
- (3) This subsection applies if the patient's responsible medical officer considers that—

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 113 is up to date with all changes known to be in force on or before 10 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) if the patient were to continue to fail to comply with the measure, it is reasonably likely that there would be a significant deterioration in the patient's mental health; and
 - (b) it is necessary as a matter of urgency that the power conferred by subsection (4) below be exercised.
- (4) The patient's responsible medical officer may take, or may cause a person authorised for the purpose by the responsible medical officer to take, the patient into custody and convey the patient to a hospital.
- (5) Where the power conferred by subsection (4) above is exercised in relation to a patient, the patient may be detained in hospital for the period of 72 hours beginning with the arrival by virtue of that subsection of the patient in hospital.
- (6) As soon as reasonably practicable after the patient has been conveyed to a hospital, the responsible medical officer shall—
- (a) carry out a medical examination of the patient; or
 - (b) make arrangements for an approved medical practitioner to carry out such an examination.

Commencement Information

- II** S. 113 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:

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 113 is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

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\(3\)](#)