



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

114 Compulsory treatment order: detention pending review or application for variation

- (1) Subsection (2) below applies where—
- (a) a patient who is subject to an order such as is mentioned in subsection (1)(a)(i) of section 113 of this Act is detained in hospital by virtue of subsection (5) of that section;
 - (b) the patient has been examined under subsection (6) of that section;
 - (c) the patient's responsible medical officer—
 - (i) is considering under subsection (2) of section 93 of this Act whether that order should be varied by modifying the measures specified in it; or
 - (ii) by virtue of subsection (5) of that section, is required to make an application to the Tribunal; and
 - (d) the patient's responsible medical officer considers that if the patient does not continue to be detained in hospital it is reasonably likely that there will be a significant deterioration in the patient's mental health.
- (2) Subject to subsections (3) and (4) below, the responsible medical officer may grant a certificate authorising the continued detention in hospital of the patient for the period of 28 days beginning with the granting of the certificate.

Status: This is the original version (as it was originally enacted).

- (3) The power in subsection (2) above may be exercised only if—
 - (a) the responsible medical officer has consulted the mental health officer; and
 - (b) the mental health officer consents to the power being exercised.
- (4) Before granting a certificate under subsection (2) above the responsible medical officer shall, if it is practicable to do so, consult the patient's named person.
- (5) A certificate under subsection (2) above—
 - (a) shall state the responsible medical officer's reasons for believing that paragraph (d) of subsection (1) applies in the patient's case; and
 - (b) shall be signed by the responsible medical officer.