



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

115 Interim compulsory treatment order: detention pending further procedure

- (1) Subsection (2) below applies where—
 - (a) a patient who is subject to an order such as is mentioned in subsection (1)(a)(ii) 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 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; and
 - (d) on the expiry of the period of detention authorised by subsection (5) of that section the period for which the order authorises the measures specified in it will not have expired.
- (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 beginning with the granting of the certificate and ending with the expiry of the period for which the order authorises the measures specified in it.
- (3) The power in subsection (2) above may be exercised only if—
 - (a) the patient's responsible medical officer has consulted a mental health officer; and

Status: This is the original version (as it was originally enacted).

- (b) the mental health officer consents to the power being exercised.
- (4) Before granting a certificate 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 subsection (1)(c) above applies in the patient's case; and
 - (b) shall be signed by the responsible medical officer.