



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

2003 asp 13

PART 9

COMPULSION ORDERS

CHAPTER 2

REVIEW OF COMPULSION ORDERS

Powers of Tribunal

166 Powers of Tribunal on review under section 165

- (1) On the review of a determination under section 165 of this Act, the Tribunal may make an order under this section—
 - (a) revoking the determination;
 - (b) revoking both the determination and the compulsion order;
 - (c) confirming the determination; or
 - (d) confirming the determination and varying the compulsion order by modifying the measures specified in it.
- (2) Before making a decision under subsection (1) above, the Tribunal shall allow the persons mentioned in subsection (3) below the opportunity—
 - (a) of making representations (whether orally or in writing); and
 - (b) of leading, or producing, evidence.
- (3) Those persons are—
 - (a) the patient;
 - (b) the patient's named person;
 - (c) any guardian of the patient;
 - (d) any welfare attorney of the patient;
 - (e) the mental health officer;

Status: This is the original version (as it was originally enacted).

- (f) the patient's responsible medical officer;
- (g) the patient's primary carer;
- (h) any curator *ad litem* appointed in respect of the patient by the Tribunal; and
- (i) any other person appearing to the Tribunal to have an interest in the determination.