



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

2003 asp 13

PART 10

COMPULSION ORDERS AND RESTRICTION ORDERS

CHAPTER 2

REVIEW OF ORDERS

Reference to Tribunal by Scottish Ministers

185 Duty of Scottish Ministers on receiving report from responsible medical officer

- (1) Where a patient's responsible medical officer submits to the Scottish Ministers—
- (a) a report under section 183(2) of this Act that includes a recommendation; or
 - (b) a report under section 184 of this Act,
- the Scottish Ministers shall make a reference to the Tribunal in respect of the compulsion order and restriction order to which the patient is subject.
- (2) Where a reference is made under subsection (1) above, the Scottish Ministers shall, as soon as practicable, give notice that a reference is to be made to—
- (a) the patient;
 - (b) the patient's named person;
 - (c) any guardian of the patient;
 - (d) any welfare attorney of the patient;
 - (e) the patient's responsible medical officer;
 - (f) the mental health officer; and
 - (g) the Commission.
- (3) A reference under subsection (1) above shall state—
- (a) the name and address of the patient;

***Status:** This is the original version (as it was originally enacted).*

- (b) the name and address of the patient's named person; and
- (c) the recommendation included in the report submitted by the responsible medical officer.