



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

2003 asp 13

PART 10

COMPULSION ORDERS AND RESTRICTION ORDERS

CHAPTER 2

REVIEW OF ORDERS

Effect of modification or revocation of orders

196 General effect of orders under section 193

- (1) Where the Tribunal makes an order under section 193 of this Act—
 - (a) revoking a compulsion order;
 - (b) revoking a restriction order;
 - (c) conditionally discharging a patient; or
 - (d) varying a compulsion order by modifying the measures specified in it,the order shall not have effect until the occurrence of the first to occur of the events mentioned in subsection (2) below.
- (2) Those events are—
 - (a) the expiry of the appeal period, no appeal having been lodged within that period; and
 - (b) where an appeal has been lodged within the appeal period—
 - (i) the receipt by both the Court of Session and the managers of the hospital specified in the compulsion order of notice from the Scottish Ministers that they do not intend to move the Court of Session to make an order under section 323 of this Act;
 - (ii) the refusal by the Court of Session to make such an order; and
 - (iii) the recall of any such order or the expiry of its effect.

Status: This is the original version (as it was originally enacted).

(3) In subsection (2) above—

“appeal” means an appeal under section 322 of this Act; and

“appeal period” means, in relation to an appeal, the period, prescribed by regulations made under section 324(7) of this Act, within which the appeal has to be lodged in order to be competent.