



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

## 2003 asp 13

### PART 10

#### COMPULSION ORDERS AND RESTRICTION ORDERS

### CHAPTER 3

#### CONDITIONAL DISCHARGE

#### **204 Appeal to Tribunal against recall from conditional discharge**

- (1) Where a patient has been recalled to hospital under section 202 of this Act, each of the persons mentioned in subsection (2) below may, before the expiry of the period of 28 days beginning with the day on which the patient returns or is returned to hospital, appeal against that recall to the Tribunal.
- (2) Those persons are—
  - (a) the patient; and
  - (b) the patient's named person.
- (3) Where an appeal is made to the Tribunal under subsection (1) above, section 193 of this Act shall apply as if the patient had applied under section 192 of this Act for an order conditionally discharging the patient.