



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 1

APPLICATION FOR, AND MAKING OF, ORDERS

Pre-application procedures

61 Mental health officer's duty to prepare report

- (1) This section applies where a mental health officer is required by section 57(1) of this Act to make an application under section 63 of this Act in respect of a patient.
- (2) The mental health officer shall, before the date on which, by virtue of section 57(7) of this Act, the application is to be made—
 - (a) subject to subsection (3) below, interview the patient;
 - (b) if the patient has not been given notice under section 60(1)(a) of this Act, inform the patient that the application is to be made;
 - (c) inform the patient of—
 - (i) the patient's rights in relation to the application; and
 - (ii) the availability of independent advocacy services under section 259 of this Act;
 - (d) take appropriate steps to ensure that the patient has the opportunity of making use of those services; and
 - (e) prepare in relation to the patient a report in accordance with subsection (4) below.
- (3) If it is impracticable for the mental health officer to comply with the requirement in subsection (2)(a) above, the mental health officer need not do so.

Status: This is the original version (as it was originally enacted).

- (4) The report shall state—
- (a) the name and address of the patient;
 - (b) if known by the mental health officer, the name and address of—
 - (i) the patient’s named person; and
 - (ii) the patient’s primary carer;
 - (c) the steps that the mental health officer has taken in pursuance of the requirements imposed by subsection (2) above;
 - (d) if it was impracticable for the mental health officer to comply with the requirement in subsection (2)(a) above, the reason for that being the case;
 - (e) in so far as relevant for the purposes of the application, details of the personal circumstances of the patient;
 - (f) the mental health officer’s views on the mental health reports relating to the patient;
 - (g) if known by the mental health officer, details of any advance statement that the patient has made (and not withdrawn); and
 - (h) any other information that the mental health officer considers relevant to the determination by the Tribunal of the application.