



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 4

REVIEW OF ORDERS

Extension and variation of order: application by responsible medical officer

89 Mental health officer's duties: extension and variation of order

- (1) The mental health officer shall, as soon as practicable after receiving notice under section 88(3) of this Act, comply with the requirements in subsection (2) below.
- (2) Those requirements are—
 - (a) subject to subsection (3) below, to interview the patient;
 - (b) to inform the patient of the matters mentioned in subsection (4) below;
 - (c) to inform the patient of the availability of independent advocacy services under section 259 of this Act;
 - (d) to take appropriate steps to ensure that the patient has the opportunity of making use of those services; and
 - (e) to inform the patient's responsible medical officer—
 - (i) of whether the mental health officer agrees, or disagrees, that the application that is proposed should be made;
 - (ii) if the mental health officer disagrees, of the reason why that is the case; and
 - (iii) of any other matters that the mental health officer considers relevant.
- (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Status: This is the original version (as it was originally enacted).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 matters referred to in subsection (2)(b) above are—
- (a) that the patient’s responsible medical officer is proposing to make an application to the Tribunal under section 92 of this Act for an order—
 - (i) extending the compulsory treatment order to which the patient is subject for the period mentioned in section 88(4) of this Act; and
 - (ii) varying the compulsory treatment order by modifying the measures or a recorded matter specified in it;
 - (b) the modification of the measures or any recorded matter specified in that order that the responsible medical officer is proposing; and
 - (c) the patient’s rights in relation to such an application.