

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 10 - Compulsion Orders and Restriction Orders**

##### *Chapter 3: conditional discharge*

##### *Section 204: appeal to Tribunal against recall from conditional discharge*

365. [Section 204](#) provides that the patient and the patient's named person can appeal to the Tribunal against recall to hospital within 28 days of the recall from conditional discharge taking effect.
366. Subsection (3) provides that the Tribunal will treat an appeal under this section as an application for conditional discharge. Section 193 therefore applies and the Tribunal has the options that are available under that section.