

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10 - Compulsion Orders and Restriction Orders

Chapter 2: review of orders

Annual review of orders

Section 182: review of compulsion order and restriction order

330. Where a compulsion order is combined with a restriction order, it continues to have effect indefinitely unless some positive action is taken to bring it to an end. Section 182 provides for the responsible medical officer to carry out an annual review of the compulsion order and restriction order. The first review must be carried out during the 2 month period ending with the first anniversary of the making of the compulsion order. Further reviews must be carried out annually thereafter, again during the last 2 months of each 12 month period. The review carried out under this section is similar to the review carried out under section 139 in Part 9, with the addition (in subsection (3)(b) (ii) and (iv)) of two new criteria. They are-
- whether the patient's mental disorder is such that detention in hospital is necessary to protect any other person from serious harm, whether the patient would receive medical treatment there or not; and
 - whether it continues to be necessary for the patient to be subject to the restriction order.