

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

Schedule 3 (Introduced by Section 71) – Application of Chapter 1 of Part 7 to Certain Patients

690. This schedule applies the provisions in chapter 1 of Part 7 dealing with the application for and making of compulsory treatment orders to patients subject to a hospital direction or a transfer for treatment direction, with specified modifications.
691. A mental health officer can apply to the Tribunal for a compulsory treatment order to come into effect immediately after the expiry of the hospital direction or transfer for treatment direction to which the patient is subject. A condition of the application being that both of the medical practitioners who carried out the medical examination of the patient consider that the compulsory treatment order is necessary.
692. Where it considers it necessary, the Tribunal can make a compulsory treatment order in relation to a patient who is subject to a hospital direction or a transfer for treatment direction provided that the direction has less than 28 days left to run. The 6 month period during which the measures are authorised by the compulsory treatment order does not begin until the day on which the direction expires.
693. An interim compulsory treatment order cannot be made in relation to a patient who is subject to a hospital direction or a transfer for treatment direction.