

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 – Compulsory Treatment Orders

Chapter 7: suspension

Sections 127 to 129: suspension of order

180. This Chapter makes provision for the temporary suspension of measures authorised under a compulsory treatment order.
181. [Section 127](#) authorises the temporary lifting of a requirement for a patient to be detained in hospital. The responsible medical officer may suspend the detention requirement for a period of up to 6 months and may, under section 127(5), make the suspension subject to conditions where he or she considers it to be in the interests of the patient or to be necessary for the protection of others to do so. In the circumstances mentioned in subsection (7), the responsible medical officer must notify the persons listed in subsection (8). The responsible medical officer may grant a subsequent certificate but the total period specified in that certificate and any other certificate must not exceed 9 months in the period of 12 months ending with the expiry of the subsequent certificate (subsection (2)).
182. [Section 128](#) enables the responsible medical officer to issue a certificate which would suspend any provision of the order other than a detention requirement. A certificate granted under section 128 may suspend measures specified in the compulsory treatment order for a period of up to 3 months. Notice must be given by the responsible medical officer in accordance with subsections (3) and (5).
183. [Section 129](#) confers on the responsible medical officer power to revoke a certificate granted under section 127(1), 127(3) or 128(1) where he or she considers that revocation to be in the interests of the patient or to be necessary for the protection of any other person. The responsible medical officer must comply with the notification requirements in subsections (3) to (5).