



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

2003 asp 13

PART 11

HOSPITAL DIRECTIONS AND TRANSFER FOR TREATMENT DIRECTIONS

Application by patient etc.

214 Application to Tribunal by patient and named person

- (1) This section applies where a patient is subject to—
 - (a) a hospital direction; or
 - (b) a transfer for treatment direction.
- (2) Each of the persons mentioned in subsection (3) below may, subject to subsections (4) to (6) below, make an application under this section to the Tribunal for the revocation of the direction to which the patient is subject.
- (3) Those persons are—
 - (a) the patient; and
 - (b) the patient's named person.
- (4) Where a patient is subject to a hospital direction, an application under this section may not be made before the expiry of the period of 6 months beginning with the day on which the direction was made.
- (5) Where a patient is subject to a transfer for treatment direction, an application under this section—
 - (a) may be made during the period of 12 weeks beginning with the day on which the direction is made; but
 - (b) otherwise may not be made before the expiry of the period of 6 months beginning with the day on which the direction was made.
- (6) Neither of the persons mentioned in subsection (3) above may make more than one application under this section during—

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Application by patient etc. is up to date with all changes known to be in force on or before 17 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) the period of 12 months beginning with the day on which the direction was made; or
 - (b) any subsequent period of 12 months that begins with or with an anniversary of the expiry of the period of 12 months mentioned in paragraph (a) above.
- (7) Where a patient’s named person makes an application under subsection (2) above, the named person shall give notice to the patient of the making of the application.

Commencement Information

- II** S. 214 in force at 5.10.2005 by S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)