



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 4

REVIEW OF ORDERS

Powers of Tribunal

104 Powers of Tribunal on reference under section 96 or 98

- (1) Where a reference is made under section 96 or 98 of this Act, the Tribunal may make an order—
 - (a) varying the compulsory treatment order in respect of which the reference is made by modifying—
 - (i) the measures; or
 - (ii) any recorded matter, specified in it; or
 - (b) revoking the compulsory treatment order.
- (2) Before making an order under subsection (1) above, the Tribunal shall allow the persons mentioned in subsection (3) below the opportunity—
 - (a) of making representations (whether orally or in writing); and
 - (b) of leading, or producing, evidence.
- (3) Those persons are—
 - (a) the persons mentioned in section 102(3)(a) to (h) of this Act; and
 - (b) any other person appearing to the Tribunal to have an interest in the reference.

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 104 is up to date with all changes known to be in force on or before 26 May 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*

Commencement Information

- II** [S. 104](#) 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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[View outstanding changes](#)

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\(3\)](#)