



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 7

SUSPENSION

128 Suspension of other measures

(1) Where—

- (a) a patient is subject to a compulsory treatment order that authorises any of the measures mentioned in section 66(1)(b) to (h) of this Act; and
- (b) subject to subsection (2) below, the patient's responsible medical officer grants a certificate specifying a period not exceeding [^{F1}90 days] during which the order shall not authorise such of those measures as are specified in the certificate,

the order does not authorise the measures specified in the certificate during that period.

(2) If the sum of—

- (a) the period that the responsible medical officer proposes to specify in a certificate under subsection (1) above; and
- (b) the period specified in any other certificate granted under that subsection in respect of the same patient,

would exceed [^{F1}90 days], the responsible medical officer may not grant a certificate under that subsection.

[^{F2}(2A) A day is to count as a whole day towards the 90 days mentioned in subsection (2) above if any part of that day falls within the period mentioned in paragraph (a) or (b) of that subsection.]

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 128 is up to date with all changes known to be in force on or before 18 July 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*

- (3) Where a patient’s responsible medical officer proposes to grant a certificate under subsection (1) above, the responsible medical officer shall, before granting such a certificate, give notice to the persons mentioned in subsection (4) below of—
- (a) the measures and the period that the responsible medical officer proposes to specify in the certificate; and
 - (b) the responsible medical officer’s reasons for proposing to specify those measures.
- (4) Those persons are—
- (a) the patient;
 - (b) the patient’s named person; and
 - (c) the mental health officer.
- (5) Where a certificate is granted under subsection (1) above, the patient’s responsible medical officer shall, before the expiry of the period of 14 days beginning with the day on which the certificate is granted, give notice to the Commission of—
- (a) the granting of the certificate;
 - (b) the measures and the period specified in the certificate; and
 - (c) the responsible medical officer’s reasons for specifying those measures.

Textual Amendments

- F1** Words in s. 128(1)(2) substituted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 10\(3\)\(a\), 61\(2\)](#); [S.S.I. 2017/197, art. 2, sch.](#) (with art. 9(b))
- F2** S. 128(2A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\), ss. 10\(3\)\(b\), 61\(2\)](#); [S.S.I. 2017/197, art. 2, sch.](#) (with art. 9(b))

Commencement Information

- I1** S. 128 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\(3\)](#)