



# 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 3 months 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 3 months, the responsible medical officer may not grant a certificate under that subsection.

(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

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*Status: This is the original version (as it was originally enacted).*

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- (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.