



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

## 2003 asp 13

### PART 9

#### COMPULSION ORDERS

#### CHAPTER 2

#### REVIEW OF COMPULSION ORDERS

#### *Extension of order following further review*

#### **153 Determination extending compulsion order: notification**

- (1) Where a patient's responsible medical officer makes a determination under section 152 of this Act, the responsible medical officer shall, as soon as practicable after the determination is made and, in any event, before the day on which the compulsion order will cease (unless extended) to authorise the measures specified in it, comply with the requirements in subsection (2) below.
- (2) Those requirements are—
  - (a) to prepare a record stating—
    - (i) the determination;
    - (ii) the reasons for it;
    - (iii) whether the mental health officer agrees, or disagrees, with the determination or has failed to comply with the duty imposed by section 151(2)(d)(i) of this Act;
    - (iv) if the mental health officer disagrees with the determination, the reasons for the disagreement;
    - (v) (by reference to the appropriate paragraph (or paragraphs) of the definition of "mental disorder" in section 328(1) of this Act) the type (or types) of mental disorder that the patient has; and if there is a difference between that type (or types) and the type (or types) of

*Status: Point in time view as at 05/10/2005.*

*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 153 is up to date with all changes known to be in force on or before 14 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)*

- mental disorder recorded in the compulsion order in respect of which the determination is made, what that difference is; and
- (vi) such other matters as may be prescribed by regulations;
- (b) to submit the record to the Tribunal; and
- (c) at the same time as the responsible medical officer submits the record to the Tribunal, to give notice of the determination and send a copy of the record—
- (i) subject to subsection (3) below, to the patient;
- (ii) to the patient’s named person;
- (iii) to the mental health officer; and
- (iv) to the Commission.
- (3) Where the responsible medical officer considers that there would be a risk of significant harm to the patient, or to others, if a copy of the record were sent to the patient, that officer need not send a copy to the patient.
- (4) At the same time as the responsible medical officer submits the record to the Tribunal the responsible medical officer shall send to the Tribunal, and to the persons mentioned in subsection (2)(c)(ii) to (iv) above, a statement of the matters mentioned in subsection (5) below.
- (5) Those matters are—
- (a) whether the responsible medical officer is sending a copy of the record to the patient; and
- (b) if the responsible medical officer is not sending a copy of the record to the patient, the reason for not doing so.

#### **Commencement Information**

- I1** S. 153 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), [art. 2](#), [Sch. 1](#)
- I2** S. 153 in force at 5.10.2005 in so far as not already in force 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](#))

**Status:**

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**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 153 is up to date with all changes known to be in force on or before 14 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.