



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 1

#### APPLICATION FOR, AND MAKING OF, ORDERS

#### *Application for order*

#### **63 Application for compulsory treatment order**

- (1) An application to the Tribunal for a compulsory treatment order may be made by, and only by, a mental health officer.
- (2) An application—
  - (a) shall specify—
    - (i) the measures that are sought in relation to the patient in respect of whom the application is made;
    - (ii) any medical treatment, community care services, relevant services or other treatment, care or service specified in the proposed care plan by virtue of section 62(5)(j) of this Act; and
    - (iii) where it is proposed that the order should authorise measures other than the detention of the patient in hospital, the name of the hospital the managers of which should have responsibility for appointing the patient's responsible medical officer; and
  - (b) shall be accompanied by the documents that are mentioned in subsection (3) below.
- (3) Those documents are—
  - (a) the mental health reports;

---

**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 63 is up to date with all changes known to be in force on or before 25 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*

---

- (b) the report prepared under section 61 of this Act; and
  - (c) the proposed care plan,
- relating to the patient.

---

**Commencement Information**

- II** [S. 63](#) 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](#))

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 63 is up to date with all changes known to be in force on or before 25 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 63 modified (temp.) by [2020 c. 7 Sch. 9 para. 5](#)

**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\(3\)](#)