



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 3

##### COMPULSORY TREATMENT ORDERS: CARE PLAN

#### 76 Care plan: preparation, placing in medical records etc.

[<sup>F1</sup>(A1) This section applies where a compulsory treatment order is made in respect of a patient.]

- (1) As soon as practicable after a patient's responsible medical officer is appointed under section 230 of this Act, the responsible medical officer shall—
  - (a) prepare a plan (any such plan being referred to in this Act as a "care plan") relating to the patient; and
  - (b) ensure that the patient's care plan is included in the patient's medical records.
- (2) The care plan shall set out—
  - (a) the medical treatment—
    - (i) which it is proposed to give; and
    - (ii) which is being given,to the patient while the patient is subject to the compulsory treatment order; and
  - (b) such other information relating to the care of the patient as may be prescribed by regulations.
- (3) Subject to subsection (4)(b) below, a patient's responsible medical officer may from time to time amend the patient's care plan.
- (4) Regulations may prescribe—

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 76 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*

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- (a) circumstances in which a patient’s responsible medical officer is required to amend the patient’s care plan;
  - (b) information in a care plan which may not be amended.
- (5) Where a patient’s responsible medical officer amends the patient’s care plan—
- (a) the responsible medical officer shall ensure that, as soon as practicable after it is amended, the amended care plan is included in the patient’s medical records; and
  - (b) subsections (2) to (4) above and this subsection shall apply as if references to the care plan were references to the amended care plan.

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#### Textual Amendments

- F1** S. 76(A1) inserted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **sch. 1 para. 32(11)**
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#### Modifications etc. (not altering text)

- C1** S. 76 modified (5.10.2005) by [Mental Health \(Cross-border transfer; patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), regs. 1(1), **42(2)** (with reg. 2)
- C2** S. 76 modified (3.11.2008) by [Mental Health \(England and Wales Cross-border transfer: patients subject to requirements other than detention\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/356\)](#), regs. 1(1), **29(1), (2)** (with reg. 2)
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#### Commencement Information

- I1** S. 76 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, **Sch. 1**
- I2** S. 76 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)

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 76 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.

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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\(3\)](#)