



Mental Health (Scotland) Act 2015

2015 asp 9

PART 1

THE 2003 ACT

Procedure for compulsory treatment

1 Measures until application determined

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) In section 64 (powers of Tribunal on application under section 63: compulsory treatment order), after subsection (8) there is inserted—

“(8A) If the patient has been detained in hospital by virtue of section 47(4)(a) or 68(2)(a) of this Act in connection with the application by virtue of which this section applies, the 6 months referred to in subsection (4)(a)(i) above is to be regarded as reduced by the period during which the patient has been so detained under that section.

(8B) Subsection (8A) above is of no effect if the patient has been detained in hospital in accordance with an interim compulsory treatment order made in connection with the application by virtue of which this section applies.”.

(3) In section 65 (powers of Tribunal on application under section 63: interim compulsory treatment order), after subsection (6) there is inserted—

“(7) If the patient has been detained in hospital by virtue of section 47(4)(a) or 68(2)(a) of this Act in connection with the application by virtue of which this section applies, the 56 days referred to in subsection (3) above is to be regarded as reduced by the period during which the patient has been so detained under that section.”.

2 Information where order extended

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) After section 87 there is inserted—

“87A Further information where order extended

- (1) Subsections (2) and (3) below apply where—
 - (a) a mental health officer receives notice of a determination under section 86 of this Act from a patient’s responsible medical officer, and
 - (b) the Tribunal is required by virtue of section 101(2)(a) of this Act to review the determination.
- (2) The mental health officer must—
 - (a) prepare a record stating the information mentioned in subsection (4) below,
 - (b) submit the record to the Tribunal, and
 - (c) at the same time as submitting the record to the Tribunal, send to the persons mentioned in subsection (6) below—
 - (i) a copy of the record, and
 - (ii) a statement of the matters mentioned in subsection (5) below.
- (3) At the same time as submitting the record to the Tribunal, the mental health officer must send a copy of the record to the patient except where the officer considers that doing so carries a risk of significant harm to the patient or others.
- (4) The information to be stated in the record is—
 - (a) the name and address of the patient,
 - (b) if known by the mental health officer, the name and address of—
 - (i) the patient’s named person, and
 - (ii) the patient’s primary carer,
 - (c) the things done by the mental health officer in compliance with the requirements in subsection (2) of section 85 of this Act (and, if by virtue of subsection (3) of that section the first-listed one has not been complied with, the reason why compliance with it was impracticable),
 - (d) so far as relevant to the extension of the compulsory treatment order—
 - (i) the details of the personal circumstances of the patient, and
 - (ii) if known by the mental health officer, the details of any advance statement made by the patient (and not withdrawn by the patient),
 - (e) the views of the mental health officer on the extension of the compulsory treatment order, and
 - (f) any other information that the mental health officer considers relevant in relation to the extension of the compulsory treatment order.
- (5) The matters referred to in subsection (2)(c) above are—
 - (a) whether the mental health officer is sending a copy of the record to the patient, and
 - (b) if the mental health officer is not sending a copy of the record to the patient, the reason for not doing so.
- (6) For the purposes of subsection (2)(c) above, the persons are—
 - (a) the patient’s named person,
 - (b) the patient’s responsible medical officer, and

(c) the Commission.”.

3 Transfer to another hospital

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) In section 124 (transfer to other hospital)—

- (a) in subsection (1), for the words “by a compulsory treatment order.” there is substituted “by—
 - (a) a compulsory treatment order, or
 - (b) an interim compulsory treatment order.”,
- (b) in subsection (14), for the words “compulsory treatment order” there is substituted “order in question”.