



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

## 2003 asp 13

### PART 6

#### SHORT-TERM DETENTION

##### *Suspension of detention*

#### **53 Suspension of measure authorising detention**

(1) Where—

- (a) a patient is subject to a short-term detention certificate; and
- (b) the patient's responsible medical officer grants a certificate specifying a period during which the short-term detention certificate shall not authorise the measures mentioned in section 44(5)(b) of this Act,

the short-term detention certificate does not authorise that measure during that period.

(2) A period specified in a certificate granted under subsection (1) above may be expressed as—

- (a) the duration of—
  - (i) an event; or
  - (ii) a series of events; or
- (b) the duration of—
  - (i) an event; or
  - (ii) a series of events,

and any associated travel.

(3) If the responsible medical officer considers that it is necessary—

- (a) in the interests of the patient; or
- (b) for the protection of any other person,

a certificate granted under subsection (1) above may include conditions such as are mentioned in subsection (4) below; and any such conditions shall have effect.

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

*Suspension of detention is up to date with all changes known to be in force on or before 09 April 2024. 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*

- (4) Those conditions are—
- (a) that, during the period specified in the certificate, the patient be kept in the charge of a person authorised in writing for the purpose by the responsible medical officer;
  - (b) such other conditions as may be specified by the responsible medical officer.

**Commencement Information**

- I1** S. 53 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)

**54 Certificate under section 53: revocation**

- (1) Subsection (2) below applies where a certificate is granted under section 53(1) of this Act in respect of a patient.
- (2) If the patient's responsible medical officer is satisfied that it is necessary—
  - (a) in the interests of the patient; or
  - (b) for the protection of any other person,
 that the certificate be revoked, the responsible medical officer may revoke the certificate.
- (3) Where a responsible medical officer revokes a certificate under subsection (2) above, the responsible medical officer shall, as soon as practicable after doing so, give notice of the revocation to—
  - (a) the patient;
  - (b) the patient's named person;
  - (c) the mental health officer;
  - (d) if the certificate includes a condition such as is mentioned in section 53(4)(a) of this Act, any person authorised in accordance with that condition; and
  - (e) the Commission.

**Commencement Information**

- I2** S. 54 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, Cross Heading: Suspension of detention is up to date with all changes known to be in force on or before 09 April 2024. 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\(3\)](#)