



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.

(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.

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.