



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 5

#### BREACH OF ORDERS

#### *Failure to attend for medical treatment*

#### **112 Failure to attend for medical treatment**

- (1) Subject to subsection (2) below, where—
  - (a) a patient is subject to—
    - (i) a compulsory treatment order; or
    - (ii) an interim compulsory treatment order,that imposes on the patient a requirement mentioned in section 66(1)(c) of this Act (“the attendance requirement”); and
  - (b) the patient fails to comply with the attendance requirement,the patient’s responsible medical officer may exercise the power conferred by subsection (3) below.
- (2) The responsible medical officer may exercise the power conferred by subsection (3) below only if—
  - (a) the responsible medical officer has consulted a mental health officer; and
  - (b) the mental health officer consents to the power being exercised.
- (3) The responsible medical officer may take, or may cause a person authorised for the purpose by the responsible medical officer to take, the patient into custody and convey the patient—
  - (a) to the place the patient is required to attend by the attendance requirement; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) to any hospital.
- (4) Subject to subsection (5) below, where by virtue of subsection (3) above the patient is conveyed to the place the patient is required to attend or a hospital—
- (a) if the order to which the patient is subject authorises the measure mentioned in section 66(1)(b) of this Act, the patient may be detained there for so long as is necessary for the purpose of giving to the patient any medical treatment that could have been given to the patient had the patient complied with the attendance requirement;
  - (b) if the order to which the patient is subject does not authorise that measure, the patient may be detained there for so long as is necessary to determine whether the patient is capable of consenting to medical treatment and, if so, whether the patient consents to receive any medical treatment.
- (5) The patient may not be detained by virtue of subsection (4) above for more than a period of 6 hours beginning with the arrival of the patient in the place or hospital.