



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

## 2003 asp 13

### PART 10

#### COMPULSION ORDERS AND RESTRICTION ORDERS

#### CHAPTER 2

#### REVIEW OF ORDERS

#### *Annual review of orders*

#### **182 Review of compulsion order and restriction order**

- (1) This section applies where a patient is subject to a compulsion order and a restriction order.
- (2) The patient's responsible medical officer shall, during the period of 2 months ending with the relevant day, carry out a review in respect of both the compulsion order and restriction order by complying with the requirements set out in subsection (3) below.
- (3) Those requirements are—
  - (a) to—
    - (i) carry out a medical examination of the patient; or
    - (ii) make arrangements for an approved medical practitioner to carry out such a medical examination;
  - (b) to consider—
    - (i) whether the conditions mentioned in subsection (4) below continue to apply in respect of the patient;
    - (ii) whether, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment;

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 182 is up to date with all changes known to be in force on or before 10 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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- (iii) whether it continues to be necessary for the patient to be subject to the compulsion order; and
  - (iv) whether it continues to be necessary for the patient to be subject to the restriction order; and
  - (c) to consult the mental health officer.
- (4) Those conditions are—
- (a) that the patient has a mental disorder;
  - (b) that medical treatment which would be likely to—
    - (i) prevent the mental disorder worsening; or
    - (ii) alleviate any of the symptoms, or effects, of the disorder,
 is available for the patient; and
  - (c) that if the patient were not provided with such medical treatment there would be a significant risk—
    - (i) to the health, safety or welfare of the patient; or
    - (ii) to the safety of any other person.
- (5) In subsection (2) above, the “relevant day” means—
- (a) the day which falls 12 months after the day on which the compulsion order is made; or
  - (b) where that relevant day has passed, the day falling on the same day in every year thereafter.

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**Modifications etc. (not altering text)**

- C1** S. 182(5) modified (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Transitional and Savings Provisions\) Order 2005 \(S.S.I. 2005/452\)](#), arts. 1, **20(2)**
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**Commencement Information**

- I1** S. 182 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:**

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**Changes and effects yet to be applied to :**

- s. 182 suspended by [2020 c. 7 Sch. 9 para. 9](#)

**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\(3\)](#)