

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 9 - Compulsion Orders**

##### *Chapter 2: review of compulsion orders*

#### **Review by Tribunal of determination extending order**

##### *Section 165: Tribunal's duty to review determination under section 152*

312. **Section 165** provides that the Tribunal must, in certain circumstances, review the section 152 determination by the responsible medical officer to extend the compulsion order. Those circumstances are-

- the responsible medical officer's record (prepared under section 153) states that-
  - there is a change in diagnosis of the type (or types) of mental disorder that the patient has from the type which was recorded in the compulsion order; or
  - the mental health officer either disagrees with the determination or has not carried out that officer's duties under section 151(2)(d)(i); or
- no review has been made by the Tribunal of the compulsion order, which would have been in force for 2 years ending with the day on which the order, had it not been extended, would have ceased to authorise the measures specified, either under this section or under section 167.