

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Compulsion Orders

Chapter 2: review of compulsion orders

Powers of Tribunal

Section 167: powers of Tribunal on application under section 149, 158, 161, 163 or 164

314. **Section 167** provides for the powers of the Tribunal on the following applications, namely:
- applications under section 149 by the responsible medical officer for the first extension of a compulsion order (see subsection (1));
 - applications under section 158 by the responsible medical officer for the extension and variation of a compulsion order (see subsection (2));
 - applications under section 163 by a patient or patient's named person for revocation of a determination by the responsible medical officer under section 152 (see subsection (3));
 - applications under section 164(2)(a) by a patient or patient's named person for revocation or variation of a compulsion order (see subsection (4)); and
 - applications under section 161 or 164(2)(b) by the responsible medical officer or the patient or patient's named person respectively for the variation of a compulsion order (see subsection (5)).
315. Before making any decision on an application, the Tribunal must give the persons listed in section 166(3) and any person appearing to the Tribunal to have an interest, the opportunity of making written or oral representations and of leading or producing evidence (subsection (6)).