

# **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*

#### **Revocation of order by responsible medical officer or Commission**

##### *Section 141: responsible medical officer's duty to revoke compulsion order: mandatory reviews*

281. *Section 141* provides that if, as a result of a first review under section 139 or a further review under section 140, the responsible medical officer is not satisfied that the conditions set out in section 139(4) continue to apply or that there continues to be a need for the order, then that officer has a duty to revoke the compulsion order. The responsible medical officer must then follow the notification procedure under section 144. Revocation by the responsible medical officer does not require the approval of the Tribunal or any other person and is not subject to appeal.

##### *Section 142: revocation of compulsion order: responsible medical officer's duty to keep under review*

282. In addition to the duties to carry out a first review of a compulsion order prior to its expiry and to carry out further reviews if the order is extended, section 142 places the responsible medical officer under a duty to consider on an ongoing basis whether the patient still meets the criteria for a compulsion order. If, having considered the views of those persons listed in section 139(3)(c), the responsible medical officer decides that the conditions for the making of a compulsion order no longer apply or that there is no longer a need for the order, then that officer has a duty to revoke the order. The responsible medical officer must then follow the notification procedure under section 144. Revocation by the responsible medical officer does not require the approval of the Tribunal or any other person and is not subject to appeal.

##### *Section 143: Commission's power to revoke compulsion order*

283. *Section 143* gives power to the Commission to revoke a compulsion order if the Commission considers that not all the conditions specified in section 139(4) are met or, even if those conditions are met, that it is no longer necessary for the patient to be subject to the compulsion order. The Commission must then follow the notification procedure under section 144. As with the revocation of the compulsion order by the responsible medical officer, the Commission does not require the approval of the Tribunal or any other person to revoke the order and the revocation is not subject to appeal.

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

***Section 144: revocation of compulsion order: notification***

284. [Section 144](#) provides for the notification of the revocation of a compulsion order by the responsible medical officer or the Commission.