

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

Extension of order following further review

Section 150: further review: responsible medical officer's duty where extension proposed

290. **Section 150** places a duty on the responsible medical officer, where, after carrying out a review of the compulsion order (other than the first review), that officer is satisfied that the compulsion order continues to be necessary but need not be varied, to inform the mental health officer that the responsible medical officer proposes to make a determination under section 152 extending the order.

Section 151: proposed extension of order on further review: mental health officer's duties

291. **Section 151** sets out the duties of the mental health officer on being notified by the responsible medical officer of the intention to extend the compulsion order after a further review. The duties are similar to those under section 147 after a first review.

Section 152: further review: responsible medical officer's duty to extend compulsion order

292. **Section 152** places a duty on the responsible medical officer to extend a compulsion order for 12 months, where the officer is satisfied that it will continue to be necessary for the patient to be subject to the order but the order need not be varied. The responsible medical officer need not apply to the Tribunal although the extension may be reviewed by the Tribunal in the circumstances set out in section 165.

Section 153: determination extending compulsion order: notification

293. **Section 153** provides that the responsible medical officer must make a record of the determination extending a compulsion order following a further review. The content of the record and the notification procedure is detailed in subsection (2). The responsible medical officer need not send a copy of the record to the patient if doing so would put the patient or anyone else at risk of significant harm. The responsible medical officer is also under a duty to make a statement of the matters mentioned in subsection (5) (which relate to whether a copy of the record is being sent to the patient) and send the statement to the Tribunal, the patient's named person, the mental health officer and the Commission.