

# **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*

##### **Extension and variation of order**

##### *Section 154: responsible medical officer's duty where extension and variation proposed*

294. **Section 154** provides for what the responsible medical officer must do if the officer decides, on carrying out a first review or a further review of a compulsion order, that it is appropriate to extend the order and that it should be varied by modifying the measures authorised by it. The responsible medical officer must notify the patient's mental health officer that the responsible medical officer is proposing to apply to the Tribunal for an order extending the compulsion order in an amended form. Subsection (3) provides that the responsible medical officer must give notice to the mental health officer of the changes to the measures authorised by the order which the responsible medical officer is proposing.

##### *Section 155: mental health officer's duties: extension and variation of compulsion order*

295. **Section 155** sets out the duties of the mental health officer on being notified by the responsible medical officer that an application is going to be made to the Tribunal for the extension and variation of the compulsion order. The duties are similar to those set out in section 147, with the addition in subsection (4) of the duty to inform the patient of the details of the variation of the order proposed.

##### *Section 156: responsible medical officer's duty to apply for extension and variation of compulsion order*

296. **Section 156** imposes a duty on the responsible medical officer to apply to the Tribunal for the extension and variation of a compulsion order, where that officer is satisfied that it will be necessary for the patient to be subject to the order and that the measures authorised by it should be varied.

##### *Section 157: application for extension and variation of compulsion order: notification*

297. **Section 157** places a duty on the responsible medical officer, where the officer intends to apply to the Tribunal for the extension and variation of a compulsion order, to notify the persons listed in that section before making the application.

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

***Section 158: application to Tribunal for extension and variation of compulsion order***

298. **Section 158** sets out the information that must be included in an application by the responsible medical officer to the Tribunal for an order extending and varying a compulsion order. It also gives power to the Scottish Ministers to make provision by regulations for other documentation to be sent with the application.
299. The 2004 Order modifies section 158 to provide that the Tribunal is to be advised if the mental health officer disagrees that the application should be made, of the reasons for that view.