

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Compulsion Orders

Chapter 2: review of compulsion orders

Applications to Tribunal by patient etc.

Section 163: application to Tribunal by patient etc for revocation of determination extending compulsion order

307. [Section 163\(1\)](#) gives the patient and the patient's named person the right to apply to the Tribunal for the revocation of a determination, made by the responsible medical officer under section 152, extending a compulsion order.
308. Subsection (2), however, provides that, where the Tribunal is required by section 165 to review the determination, neither the patient nor the patient's named person can apply for a revocation.

Section 164: application to Tribunal by patient etc for revocation or variation of compulsion order

309. [Section 164](#) gives the patient and the patient's named person the further right to apply to the Tribunal for an order to either revoke the compulsion order or to modify the measures authorised by it. Such an application cannot be made during the initial 6 months following the court's making of the compulsion order (subsection (4)(a)). In addition, no application can be made within 3 months of an order being made by the Tribunal in respect of the compulsion order under section 166 or 167 (subsection (4)(b)).
310. Subsection (5) provides that, where an application under this section to revoke the order is refused, the person who made the application is entitled to make only one more application within the time-scale set out in subsection (7). Subsection (5) also makes the same provision where an application under this section to vary a compulsion order has been made (whether that application was successful or not).
311. Subsection (6) makes similar provision where an application (under section 163) for revocation of a determination under section 152 is refused.