

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 13 - Parts 8, 10 and 11: Suspension

Assessment orders

Section 221: assessment order: suspension of measure authorising detention

403. **Section 221** provides for the temporary suspension of the measure in an assessment order which authorises detention of the patient in hospital. The responsible medical officer may do so by granting a certificate for a period, provided that the consent of the Scottish Ministers is obtained.
404. The responsible medical officer may include conditions in the certificate. Those conditions can include a requirement that the patient be kept in the charge of a person duly authorised during the period of the certificate.

Section 222: certificate under section 221: revocation by responsible medical officer

405. **Section 222** sets out the power of the responsible medical officer to revoke a certificate granted under section 221 where it is necessary in the interests of the patient or to protect any other person. As soon as practicable after revoking the certificate, the responsible medical officer must notify the patient, the Scottish Ministers and, where applicable, the person authorised for the purposes of section 221(6)(a) (in whose charge the patient is to be kept).

Section 223: certificate under section 221: revocation by Scottish Ministers

406. **Section 223** sets out the power of the Scottish Ministers to revoke a certificate granted under section 221 and have the patient returned to hospital. This power mirrors that of the responsible medical officer under section 222. The section also provides for notification of the revocation to be made.