



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 10

COMPULSION ORDERS AND RESTRICTION ORDERS

CHAPTER 3

CONDITIONAL DISCHARGE

200 Variation of conditions imposed on conditional discharge

- (1) This section applies where—
 - (a) a patient has been conditionally discharged by the Tribunal under section 193(7) of this Act; and
 - (b) the Tribunal imposed conditions on that discharge under that section.
- (2) The Scottish Ministers may, if satisfied that it is necessary, vary such of the conditions imposed by the Tribunal under section 193(7) of this Act as they think fit.
- (3) Where the Scottish Ministers vary, under subsection (2) above, conditions imposed by the Tribunal under section 193(7) of this Act, the Scottish Ministers shall, as soon as practicable, give notice of that variation to—
 - (a) the patient;
 - (b) the patient's named person;
 - (c) the patient's responsible medical officer; and
 - (d) the mental health officer.

201 Appeal to Tribunal against variation of conditions imposed on conditional discharge

- (1) Where the Scottish Ministers vary, under section 200(2) of this Act, conditions imposed by the Tribunal under section 193(7) of this Act on a patient who has been conditionally discharged under that section, the persons mentioned in subsection (2)

below may, before the expiry of the period of 28 days beginning with the day on which notice is given under section 200(3) of this Act, appeal against the variation of those conditions to the Tribunal.

- (2) Those persons are—
 - (a) the patient; and
 - (b) the patient's named person.
- (3) Where an appeal is made to the Tribunal under subsection (1) above, section 193 of this Act shall apply as if the patient had applied under section 192 of this Act for an order conditionally discharging the patient.

202 Recall of patients from conditional discharge

- (1) This section applies to a patient conditionally discharged by the Tribunal under section 193(7) of this Act.
- (2) If the Scottish Ministers are satisfied that it is necessary for the patient to be detained in hospital, they may, by warrant, recall the patient to hospital.

203 Effect of recall from conditional discharge

Where the Scottish Ministers recall a patient to hospital under section 202 of this Act, if the hospital specified in the warrant is not the hospital specified in the compulsion order to which the patient is subject, that order shall have effect as if the hospital specified in the warrant were the hospital specified in the order.

204 Appeal to Tribunal against recall from conditional discharge

- (1) Where a patient has been recalled to hospital under section 202 of this Act, each of the persons mentioned in subsection (2) below may, before the expiry of the period of 28 days beginning with the day on which the patient returns or is returned to hospital, appeal against that recall to the Tribunal.
- (2) Those persons are—
 - (a) the patient; and
 - (b) the patient's named person.
- (3) Where an appeal is made to the Tribunal under subsection (1) above, section 193 of this Act shall apply as if the patient had applied under section 192 of this Act for an order conditionally discharging the patient.