



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

## 2003 asp 13

### PART 11

#### HOSPITAL DIRECTIONS AND TRANSFER FOR TREATMENT DIRECTIONS

##### *Responsible medical officer's duty to keep directions under review*

#### **208 Responsible medical officer's duty to keep directions under review**

- (1) This section applies where a patient is subject to—
  - (a) a hospital direction; or
  - (b) a transfer for treatment direction.
- (2) Without prejudice to the duty imposed on the patient's responsible medical officer by section 206(2) of this Act, the responsible medical officer shall from time to time consider—
  - (a) whether the conditions mentioned in section 206(4) of this Act continue to apply in respect of the patient;
  - (b) whether, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
  - (c) whether it continues to be necessary for the patient to be subject to the direction.
- (3) If, having considered the matters mentioned in paragraphs (a) to (c) of subsection (2) above, the responsible medical officer is not satisfied that the patient has a mental disorder, the responsible medical officer shall, as soon as practicable after considering those matters, submit to the Scottish Ministers a report complying with the requirements set out in section 207(3) of this Act and including a recommendation that the direction be revoked.
- (4) If, having considered the matters mentioned in paragraphs (a) to (c) of subsection (2) above, the responsible medical officer—
  - (a) is satisfied that the patient has a mental disorder; but

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*Status: This is the original version (as it was originally enacted).*

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- (b) is not satisfied—
  - (i) that, as a result of the patient’s mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
  - (ii) that the conditions mentioned in paragraphs (b) and (c) of section 206(4) of this Act continue to apply in respect of the patient, the responsible medical officer shall, as soon as practicable after considering those matters, submit to the Scottish Ministers a report complying with the requirements set out in section 207(3) of this Act and including a recommendation that the direction be revoked.