



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

## 2003 asp 13

### PART 13

#### PARTS 8, 10 AND 11: SUSPENSION

##### *Assessment orders*

#### **221 Assessment order: suspension of measure authorising detention**

- (1) This section applies where a patient is subject to an assessment order.
- (2) Subject to subsection (3) below, where the patient's responsible medical officer grants a certificate specifying a period during which the assessment order to which the patient is subject shall not authorise the detention of the patient in hospital, the order does not authorise that detention during that period.

[<sup>F1</sup>(2A) A certificate under subsection (2) above may specify—

- (a) a single period, or
- (b) a series of more than one individual period.]

- (3) The patient's responsible medical officer may grant a certificate under subsection (2) above only with the consent of the Scottish Ministers.

[<sup>F2</sup>(3A) Subsection (3) above does not require the consent of the Scottish Ministers if the granting of the certificate is for the purpose of enabling the patient to—

- (a) attend a hearing in criminal proceedings against the patient, or
- (b) meet a medical or dental appointment made for the patient.]

[<sup>F3</sup>(4) .....

[<sup>F4</sup>(4A) The purpose for which a certificate under subsection (2) above is granted must be recorded in the certificate.]

- (5) If the responsible medical officer considers that it is necessary—
  - (a) in the interests of the patient; or

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Assessment orders is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(b) for the protection of any other person, a certificate under subsection (2) above may include conditions such as are mentioned in subsection (6) below; and any such conditions shall have effect.

(6) Those conditions are—

- (a) that, during the period specified in the certificate, the patient be kept in the charge of a person authorised in writing for the purpose by the patient's responsible medical officer; and
- (b) such other conditions as may be specified by the patient's responsible medical officer.

#### Textual Amendments

- F1** S. 221(2A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 9(3)(a)**, 61(2); S.S.I. 2017/197, art. 2, sch.
- F2** S. 221(3A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 9(3)(b)**, 61(2); S.S.I. 2017/197, art. 2, sch.
- F3** S. 221(4) repealed (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 9(3)(c)**, 61(2); S.S.I. 2017/197, art. 2, sch.
- F4** S. 221(4A) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 9(3)(d)**, 61(2); S.S.I. 2017/197, art. 2, sch.

#### Commencement Information

- I1** S. 221 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

## 222 Certificate under section 221: revocation by responsible medical officer

- (1) Subsection (2) below applies where a certificate is granted under section 221(2) of this Act.
- (2) If the patient's responsible medical officer is satisfied that it is necessary—
  - (a) in the interests of the patient; or
  - (b) for the protection of any other person,
 that the certificate be revoked, the responsible medical officer may revoke the certificate.
- (3) Where, under subsection (2) above, the responsible medical officer revokes a certificate, the responsible medical officer shall, as soon as practicable after the revocation, give notice of it to—
  - (a) the patient;
  - (b) where a person is authorised for the purposes of section 221(6)(a) of this Act, that person; and
  - (c) the Scottish Ministers.

#### Commencement Information

- I2** S. 222 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

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## **223 Certificate under section 221: revocation by Scottish Ministers**

- (1) Subsection (2) below applies where a certificate is granted under section 221(2) of this Act.
- (2) If the Scottish Ministers are satisfied that it is necessary—
  - (a) in the interests of the patient; or
  - (b) for the protection of any other person,that the certificate be revoked, the Scottish Ministers may revoke the certificate.
- (3) Where, under subsection (2) above, the Scottish Ministers revoke a certificate, they shall, as soon as practicable after the revocation, give notice of it to—
  - (a) the patient;
  - (b) the patient’s responsible medical officer; and
  - (c) where a person is authorised for the purposes of section 221(6)(a) of this Act, that person.

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### **Commencement Information**

**I3** S. 223 in force at 5.10.2005 by S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Assessment orders is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)