



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 2

INTERIM COMPULSORY TREATMENT ORDERS: REVIEW AND REVOCATION

- 72 Interim compulsory treatment order: responsible medical officer's duty to keep under review**
- (1) Where a patient is subject to an interim compulsory treatment order, the patient's responsible medical officer shall from time to time consider—
- whether the conditions mentioned in paragraphs (a) to (d) of section 64(5) of this Act continue to apply in respect of the patient; and
 - whether it continues to be necessary for the patient to be subject to an interim compulsory treatment order.
- (2) If, having considered the matters mentioned in paragraphs (a) and (b) of subsection (1) above, the responsible medical officer is not satisfied—
- that the conditions mentioned in paragraphs (a) to (d) of section 64(5) of this Act continue to apply in respect of the patient; or
 - that it continues to be necessary for the patient to be subject to an interim compulsory treatment order,
- the responsible medical officer shall make a determination revoking the interim compulsory treatment order.
- (3) A determination under this section shall be made as soon as practicable after the duty to make it arises.

Status: Point in time view as at 05/10/2005.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 06 August 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)

Commencement Information

- I1** S. 72 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)

73 Commission’s power to revoke interim compulsory treatment order

- (1) This section applies where a patient is subject to an interim compulsory treatment order.
- (2) If the Commission is satisfied—
- (a) that not all of the conditions mentioned in paragraphs (a) to (d) of section 64(5) of this Act continue to apply in respect of the patient; or
 - (b) that it does not continue to be necessary for the patient to be subject to an interim compulsory treatment order,
- the Commission may revoke the interim compulsory treatment order.

Commencement Information

- I2** S. 73 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)

74 Revocation under section 72 or 73: notification

- (1) Where a patient’s responsible medical officer makes a determination under section 72 of this Act, the responsible medical officer shall, as soon as practicable after doing so—
- (a) give notice of the determination; and
 - (b) send a statement of the reasons for it,
- to the Commission and to the persons mentioned in subsection (3) below.
- (2) Where the Commission makes a determination under section 73 of this Act, it shall, as soon as practicable after doing so—
- (a) give notice of the determination; and
 - (b) send a statement of the reasons for it,
- to the patient’s responsible medical officer and to the persons mentioned in subsection (3) below.
- (3) The persons referred to in subsections (1) and (2) above are—
- (a) the patient;
 - (b) the patient’s named person;
 - (c) any guardian of the patient;
 - (d) any welfare attorney of the patient;
 - (e) the mental health officer; and
 - (f) the Tribunal.

Status: Point in time view as at 05/10/2005.

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Commencement Information

- I3** S. 74 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)

75 Effect of subsequent compulsory treatment order on interim compulsory treatment order

If a compulsory treatment order is made in respect of a patient who is subject to an interim compulsory treatment order, the interim compulsory treatment order shall, on the making of the compulsory treatment order, be revoked.

Commencement Information

- I4** S. 75 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)

Status:

Point in time view as at 05/10/2005.

Changes to legislation:

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