



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—
- (a) 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
 - (b) 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—
- (a) 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
 - (b) 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.

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.

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.

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.