



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 3

##### COMPULSORY TREATMENT ORDERS: CARE PLAN

#### 76 Care plan: preparation, placing in medical records etc.

[<sup>F1</sup>(A1) This section applies where a compulsory treatment order is made in respect of a patient.]

- (1) As soon as practicable after a patient's responsible medical officer is appointed under section 230 of this Act, the responsible medical officer shall—
  - (a) prepare a plan (any such plan being referred to in this Act as a "care plan") relating to the patient; and
  - (b) ensure that the patient's care plan is included in the patient's medical records.
- (2) The care plan shall set out—
  - (a) the medical treatment—
    - (i) which it is proposed to give; and
    - (ii) which is being given,to the patient while the patient is subject to the compulsory treatment order; and
  - (b) such other information relating to the care of the patient as may be prescribed by regulations.
- (3) Subject to subsection (4)(b) below, a patient's responsible medical officer may from time to time amend the patient's care plan.
- (4) Regulations may prescribe—

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*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Chapter 3 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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- (a) circumstances in which a patient’s responsible medical officer is required to amend the patient’s care plan;
  - (b) information in a care plan which may not be amended.
- (5) Where a patient’s responsible medical officer amends the patient’s care plan—
- (a) the responsible medical officer shall ensure that, as soon as practicable after it is amended, the amended care plan is included in the patient’s medical records; and
  - (b) subsections (2) to (4) above and this subsection shall apply as if references to the care plan were references to the amended care plan.

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#### Textual Amendments

- F1** S. 76(A1) inserted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **sch. 1 para. 32(11)**
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#### Modifications etc. (not altering text)

- C1** S. 76 modified (5.10.2005) by [Mental Health \(Cross-border transfer; patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), regs. 1(1), **42(2)** (with reg. 2)
- C2** S. 76 modified (3.11.2008) by [Mental Health \(England and Wales Cross-border transfer: patients subject to requirements other than detention\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/356\)](#), regs. 1(1), **29(1), (2)** (with reg. 2)
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#### Commencement Information

- I1** S. 76 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, **Sch. 1**
- I2** S. 76 in force at 5.10.2005 in so far as not already in force 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, Chapter 3 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\(3\)](#)