



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 4

REVIEW OF ORDERS

Applications by patient etc.

99 Application by patient etc. for revocation of determination extending order

- (1) Where a patient's responsible medical officer makes a determination under section 86 of this Act, subject to subsection (3) below, either of the persons mentioned in subsection (2) below may make an application under this section to the Tribunal for an order under section 103 of this Act revoking the determination.
- (2) Those persons are—
 - (a) the patient;
 - (b) the patient's named person.
- (3) Subsection (1) above does not apply where the Tribunal is required, by virtue of section 101 of this Act, to review the determination.

100 Application by patient etc. for revocation or variation of order

- (1) This section applies where a patient is subject to a compulsory treatment order.
- (2) Either of the persons mentioned in subsection (3) below may, subject to subsections (4) and (6) below, make an application under this section to the Tribunal for an order under section 103 of this Act—
 - (a) revoking the compulsory treatment order; or

Status: This is the original version (as it was originally enacted).

- (b) varying that order by modifying—
 - (i) the measures; or
 - (ii) any recorded matter,
specified in it.
- (3) Those persons are—
 - (a) the patient;
 - (b) the patient’s named person.
- (4) An application under this section may not be made during the period of 3 months beginning with the making of any of the orders mentioned in subsection (5) below.
- (5) Those orders are—
 - (a) the compulsory treatment order;
 - (b) an order in respect of the compulsory treatment order made under section 102 of this Act;
 - (c) an order in respect of the compulsory treatment order made, by virtue of section 92 of this Act, under section 103 of this Act.
- (6) If—
 - (a) an application under this section for revocation of a compulsory treatment order is refused; or
 - (b) an application is made under this section for variation of a compulsory treatment order,
the person who made the application shall not be entitled to make more than one further application under this section in respect of the compulsory treatment order during the period mentioned in subsection (8) below.
- (7) If an application under section 99 of this Act for revocation of a determination under section 86 of this Act is refused, the person who made the application shall not be entitled to make more than one application under this section in respect of the compulsory treatment order which is the subject of the determination during the period mentioned in subsection (8) below.
- (8) The period referred to in subsections (6) and (7) above is—
 - (a) where the application mentioned in subsection (6)(a) or (b) or (7) above is made before the expiry of the period of 6 months beginning with the day on which the compulsory treatment order was made, that period of 6 months; or
 - (b) where that application is made before the expiry of—
 - (i) the period of 6 months beginning with the expiry of the period mentioned in paragraph (a) above, that period of 6 months; or
 - (ii) any subsequent period of 12 months that begins with, or with an anniversary of, the expiry of the period of 6 months mentioned in subparagraph (i) above, that subsequent period of 12 months.