



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

## 2003 asp 13

### PART 7 **S**

#### COMPULSORY TREATMENT ORDERS

### CHAPTER 4 **S**

#### REVIEW OF ORDERS

##### *Mandatory reviews by responsible medical officer*

#### 77 **First mandatory review** **S**

- (1) This section applies where a compulsory treatment order is made in respect of a patient.
- (2) The patient's responsible medical officer shall, during the appropriate period, carry out a review in respect of the order (such review being referred to in this Part of this Act as the "first review") by complying with the requirements in subsection (3) below.
- (3) Those requirements are—
  - (a) to—
    - (i) carry out a medical examination of the patient; or
    - (ii) make arrangements for an approved medical practitioner to carry out such a medical examination;
  - (b) to consider—
    - (i) 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
    - (ii) whether it continues to be necessary for the patient to be subject to a compulsory treatment order; and
  - (c) to consult—
    - (i) the mental health officer;

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Mandatory reviews by responsible medical officer is up to date with all changes known to be in force on or before 10 December 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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- (ii) such persons as are mentioned in subsection (4) below as the responsible medical officer considers appropriate; and
  - (iii) such other persons as the responsible medical officer considers appropriate.
- (4) The persons referred to in subsection (3)(c)(ii) above are—
- (a) persons who appear to the responsible medical officer to provide medical treatment of the kind that is set out in the patient’s care plan;
  - (b) if any community care services or relevant services are set out in that plan, persons who appear to the responsible medical officer to provide services of that kind;
  - (c) if any other treatment, care or service is set out in that plan, persons who appear to the responsible medical officer to provide treatment, care or a service of that kind.
- (5) In subsection (2) above, “appropriate period” means the period of 2 months ending with the day on which the compulsory treatment order ceases to authorise the measures specified in it.

**Modifications etc. (not altering text)**

- C1** S. 77(2) 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), **33(2)**, (3)(a) (with reg. 2)

**Commencement Information**

- II** S. 77 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)

**78 Further mandatory reviews** **S**

- (1) This section applies where a compulsory treatment order is extended—
- (a) by a determination under section 86 of this Act; or
  - (b) by virtue of an order under section 103 of this Act.
- (2) The patient’s responsible medical officer shall, during the period mentioned in subsection (3) below, carry out a review in respect of the compulsory treatment order (such review being referred to in this Part of this Act as a “further review”) by complying with the requirements set out in section 77(3) of this Act.
- (3) The period referred to in subsection (2) above is the period of 2 months ending with the day on which the compulsory treatment order as extended by the determination, or by virtue of the order under section 103 of this Act, ceases to authorise the measures specified in it.

**Modifications etc. (not altering text)**

- C2** S. 78(2) 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), **33(2)**, (3)(b) (with reg. 2)

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Mandatory reviews by responsible medical officer is up to date with all changes known to be in force on or before 10 December 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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#### **Commencement Information**

- I2** S. 78 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:**

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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\(3\)](#)