



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 4

REVIEW OF ORDERS

Mandatory reviews by responsible medical officer

77 First mandatory review

- (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;

Status: This is the original version (as it was originally enacted).

- (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.

78 Further mandatory reviews

- (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.