



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

2003 asp 13

PART 7 **S**

COMPULSORY TREATMENT ORDERS

CHAPTER 4 **S**

REVIEW OF ORDERS

Revocation of order by responsible medical officer or Commission

79 Responsible medical officer's duty to revoke order: mandatory reviews **S**

- (1) This section applies where a patient's responsible medical officer is carrying out—
 - (a) the first review of the compulsory treatment order to which the patient is subject; or
 - (b) a further review of that order.
- (2) If, having regard to any views expressed by persons consulted under section 77(3)(c) of this Act for the purpose of the review being carried out, 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 a compulsory treatment order,the responsible medical officer shall make a determination revoking the compulsory treatment order.
- (3) A determination under this section shall be made as soon as practicable after the duty to make it arises.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Revocation of order by responsible medical officer or Commission 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

Commencement Information

- I1** S. 79 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)

80 Revocation of order: responsible medical officer's duty to keep under review **S**

- (1) This section applies where a patient is subject to a compulsory treatment order.
- (2) Without prejudice to the duties imposed on the patient's responsible medical officer by sections 77(2), 78(2), 79(2) and 93(2) of this Act, the 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 a compulsory treatment order.
- (3) If, having considered the matters mentioned in paragraphs (a) and (b) of subsection (2) 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 a compulsory treatment order,
 the responsible medical officer shall make a determination revoking the compulsory treatment order.
- (4) A determination under this section shall be made as soon as practicable after the duty to make it arises.

Commencement Information

- I2** S. 80 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)

81 Commission's power to revoke order **S**

- (1) This section applies where a patient is subject to a 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 a compulsory treatment order,
 it may make a determination revoking the compulsory treatment order.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Revocation of order by responsible medical officer or Commission 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

Commencement Information

- I3** S. 81 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)

82 Revocation of order: notification **S**

- (1) Where a patient's responsible medical officer makes a determination under section 79 or 80 of this Act, that officer shall—
- give notice of the determination; and
 - 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 81 of this Act, it shall—
- give notice of the determination; and
 - 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—
- the patient;
 - the patient's named person;
 - any guardian of the patient;
 - any welfare attorney of the patient;
 - the mental health officer; and
 - the Tribunal.
- (4) Notice under subsection (1) or (2) above—
- to the persons mentioned in paragraphs (a) to (d) of subsection (3) above shall be given as soon as practicable after the determination is made and, in any event, before the expiry of the period of 7 days beginning with the day on which the determination is made; and
 - to—
 - the Commission;
 - the patient's responsible medical officer; and
 - the persons mentioned in paragraphs (e) and (f) of that subsection,shall be given before the expiry of the period of 7 days beginning with the day on which the determination is made.

Commencement Information

- I4** S. 82 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:

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Revocation of order by responsible medical officer or Commission 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.

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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\(3\)](#)