



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 5

BREACH OF ORDERS

Failure to attend for medical treatment

112 Failure to attend for medical treatment

- (1) Subject to subsection (2) below, where—
 - (a) a patient is subject to—
 - (i) a compulsory treatment order; or
 - (ii) an interim compulsory treatment order,that imposes on the patient a requirement mentioned in section 66(1)(c) of this Act (“the attendance requirement”); and
 - (b) the patient fails to comply with the attendance requirement,the patient’s responsible medical officer may exercise the power conferred by subsection (3) below.
- (2) The responsible medical officer may exercise the power conferred by subsection (3) below only if—
 - (a) the responsible medical officer has consulted a mental health officer; and
 - (b) the mental health officer consents to the power being exercised.
- (3) The responsible medical officer may take, or may cause a person authorised for the purpose by the responsible medical officer to take, the patient into custody and convey the patient—
 - (a) to the place the patient is required to attend by the attendance requirement; or

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Failure to attend for medical treatment 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*

- (b) to any hospital.
- (4) Subject to subsection (5) below, where by virtue of subsection (3) above the patient is conveyed to the place the patient is required to attend or a hospital—
- (a) if the order to which the patient is subject authorises the measure mentioned in section 66(1)(b) of this Act, the patient may be detained there for so long as is necessary for the purpose of giving to the patient any medical treatment that could have been given to the patient had the patient complied with the attendance requirement;
 - (b) if the order to which the patient is subject does not authorise that measure, the patient may be detained there for so long as is necessary to determine whether the patient is capable of consenting to medical treatment and, if so, whether the patient consents to receive any medical treatment.
- (5) The patient may not be detained by virtue of subsection (4) above for more than a period of 6 hours beginning with the arrival of the patient in the place or hospital.

Commencement Information

- II** S. 112 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)

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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\(3\)](#)