



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

2003 asp 13

PART 9

COMPULSION ORDERS

CHAPTER 1

DUTIES FOLLOWING MAKING OF ORDER

137 Part 9 care plan

- (1) This section applies where a compulsion order authorising the measures specified in it for the period mentioned in section 57A(2) of the 1995 Act (any such compulsion order being referred to in this Part of this Act as a “relevant compulsion order”) is made in respect of a patient.
- (2) As soon as practicable after a patient’s responsible medical officer is appointed under section 230 of this Act the responsible medical officer shall—
 - (a) prepare a plan (any such plan being referred to in this Part of this Act as a “Part 9 care plan”) relating to the patient; and
 - (b) ensure that the patient’s Part 9 care plan is included in the patient’s medical records.
- (3) The Part 9 care plan shall record—
 - (a) the medical treatment—
 - (i) which it is proposed to give; and
 - (ii) which is being given,to the patient while the patient is subject to the compulsion order; and
 - (b) such other information relating to the care of the patient as may be prescribed by regulations.
- (4) Subject to subsection (5)(b) below, a patient’s responsible medical officer may from time to time amend the patient’s Part 9 care plan.

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Chapter 1 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*

- (5) Regulations may prescribe—
- (a) circumstances in which a patient’s responsible medical officer is required to amend the patient’s Part 9 care plan;
 - (b) information in a Part 9 care plan which may not be amended.
- (6) Where a patient’s responsible medical officer amends the patient’s Part 9 care plan—
- (a) the responsible medical officer shall secure that, as soon as practicable after it is amended, the amended Part 9 care plan is included in the patient’s medical records; and
 - (b) subsections (3) to (5) above and this subsection shall apply as if references to the Part 9 care plan were references to the amended Part 9 care plan.

Modifications etc. (not altering text)

- C1** S. 137 modified (5.10.2005) by [Mental Health \(Cross-border transfer; patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/467\)](#), regs. 1(1), **42(3)** (with [reg. 2](#))
- C2** S. 137 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), **29(1)**, (3) (with [reg. 2](#))
-

Commencement Information

- I1** S. 137 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), [art. 2](#), [Sch. 1](#)
- I2** S. 137 in force at 5.10.2005 in so far as not already in force 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)

138 Mental health officer’s duty to identify named person

The mental health officer shall, as soon as practicable after a relevant compulsion order is made in respect of the patient, take such steps as are reasonably practicable to ascertain the name and address of the patient’s named person.

Commencement Information

- I3** S. 138 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, Chapter 1 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.

[View outstanding changes](#)

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\(3\)](#)