



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 4

#### REVIEW OF ORDERS

#### *Powers of Tribunal*

#### **103 Powers of Tribunal on application under section 92, 95, 99 or 100**

- (1) Where an application is made under section 92 of this Act, the Tribunal may make an order—
- (a) extending the compulsory treatment order to which the application relates for the period mentioned in section 88(4) of this Act and varying the compulsory treatment order by modifying—
    - (i) the measures; or
    - (ii) any recorded matter, specified in it;
  - (b) extending the compulsory treatment order for that period;
  - (c) refusing the application; or
  - (d) refusing the application and revoking the compulsory treatment order.
- (2) Where an application is made under section 99 of this Act, the Tribunal may make an order—
- (a) revoking the determination to which the application relates;
  - (b) revoking—
    - (i) the determination; and
    - (ii) the compulsory treatment order to which the determination relates;

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*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 103 is up to date with all changes known to be in force on or before 26 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*

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- (c) confirming the determination; or
  - (d) confirming the determination and varying the compulsory treatment order by modifying—
    - (i) the measures; or
    - (ii) any recorded matter, specified in it.
- (3) Where an application is made under section 100(2)(a) of this Act, the Tribunal may make an order—
- (a) revoking the compulsory treatment order to which the application relates;
  - (b) varying the compulsory treatment order by modifying—
    - (i) the measures; or
    - (ii) any recorded matter, specified in it; or
  - (c) refusing the application.
- (4) Where an application is made under section 95 or 100(2)(b) of this Act, the Tribunal may make an order—
- (a) varying the compulsory treatment order to which the application relates by modifying—
    - (i) the measures; or
    - (ii) any recorded matter, specified in it;
  - (b) refusing the application; or
  - (c) refusing the application and revoking that order.
- (5) Before making a decision under any of subsections (1) to (4) above, the Tribunal shall afford the persons mentioned in subsection (6) below the opportunity—
- (a) of making representations (whether orally or in writing); and
  - (b) of leading, or producing, evidence.
- (6) Those persons are—
- (a) the persons mentioned in section 102(3)(a) to (h) of this Act; and
  - (b) any other person appearing to the Tribunal to have an interest in the application.

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**Commencement Information**

**II** S. 103 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, Section 103 is up to date with all changes known to be in force on or before 26 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.

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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\(3\)](#)