



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;

Status: This is the original version (as it was originally enacted).

- (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.