



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 5

BREACH OF ORDERS

Non-compliance generally with order

113 Non-compliance generally with order

- (1) Where—
- (a) a patient is subject to—
 - (i) a compulsory treatment order; or
 - (ii) an interim compulsory treatment order, that does not authorise the detention of the patient in hospital;
 - (b) the patient fails to comply with any measure authorised by the order; and
 - (c) subsection (2) or (3) below applies,
- the power conferred by subsection (4) below may be exercised.
- (2) This subsection applies if the patient's responsible medical officer considers that—
- (a) reasonable steps have been taken to contact the patient following the patient's failure to comply with the measure;
 - (b) if contact has been made with the patient, the patient has been afforded a reasonable opportunity to comply with the measure; and
 - (c) if the patient were to continue to fail to comply with the measure, it is reasonably likely that there would be a significant deterioration in the patient's mental health.
- (3) This subsection applies if the patient's responsible medical officer considers that—

Status: This is the original version (as it was originally enacted).

- (a) if the patient were to continue to fail to comply with the measure, it is reasonably likely that there would be a significant deterioration in the patient's mental health; and
 - (b) it is necessary as a matter of urgency that the power conferred by subsection (4) below be exercised.
- (4) The patient's 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 to a hospital.
- (5) Where the power conferred by subsection (4) above is exercised in relation to a patient, the patient may be detained in hospital for the period of 72 hours beginning with the arrival by virtue of that subsection of the patient in hospital.
- (6) As soon as reasonably practicable after the patient has been conveyed to a hospital, the responsible medical officer shall—
 - (a) carry out a medical examination of the patient; or
 - (b) make arrangements for an approved medical practitioner to carry out such an examination.