



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

2003 asp 13

PART 9

COMPULSION ORDERS

CHAPTER 2

REVIEW OF COMPULSION ORDERS

Mandatory reviews by responsible medical officer

139 First review of compulsion order

- (1) This section applies where a relevant compulsion order is made in respect of a patient.
- (2) The patient's responsible medical officer shall, during the appropriate period, carry out a review in respect of the compulsion order (such review being referred to in this Part of this Act as the "first review") by complying with the requirements in subsection (3) below.
- (3) Those requirements are—
 - (a) to—
 - (i) carry out a medical examination of the patient; or
 - (ii) make arrangements for an approved medical practitioner to carry out such a medical examination;
 - (b) to consider—
 - (i) whether the conditions mentioned in subsection (4) below continue to apply in respect of the patient; and
 - (ii) whether it continues to be necessary for the patient to be subject to the compulsion order; and
 - (c) to consult—
 - (i) the mental health officer;

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 139 is up to date with all changes known to be in force on or before 10 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*

- (ii) such persons as are mentioned in subsection (5) below as the responsible medical officer considers appropriate; and
 - (iii) such other persons as the responsible medical officer considers appropriate.
- (4) Those conditions are—
- (a) that the patient has a mental disorder;
 - (b) that medical treatment which would be likely to—
 - (i) prevent the mental disorder worsening; or
 - (ii) alleviate any of the symptoms, or effects, of the disorder,
 is available for the patient; and
 - (c) that if the patient were not provided with such medical treatment there would be a significant risk—
 - (i) to the health, safety or welfare of the patient; or
 - (ii) to the safety of any other person.
- (5) The persons referred to in subsection (3)(c)(ii) above are—
- (a) persons who appear to the responsible medical officer to provide medical treatment of the kind that is recorded in the Part 9 care plan;
 - (b) if any community care services or relevant services are set out in that plan, persons who appear to the responsible medical officer to provide services of that kind;
 - (c) if any other treatment, care or service is set out in that plan, persons who appear to the responsible medical officer to provide treatment, care or a service of that kind.
- (6) In subsection (2) above, “appropriate period” means the period of 2 months ending with the day on which the relevant compulsion order ceases to authorise the measures specified in it.

Modifications etc. (not altering text)

- C1** S. 139(2) 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), **33(2)**, (3)(c) (with [reg. 2](#))
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Commencement Information

- II** S. 139 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 :

- s. 139 suspended by [2020 c. 7 Sch. 9 para. 9](#)

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\(3\)](#)