



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

## 2003 asp 13

### PART 9

#### COMPULSION ORDERS

#### CHAPTER 2

##### REVIEW OF COMPULSION ORDERS

##### *Extension of order following first review*

#### **147 Proposed extension on first review: mental health officer's duties**

- (1) The mental health officer shall, as soon as practicable after receiving notice under section 146(2) of this Act, comply with the requirements in subsection (2) below.
- (2) Those requirements are—
  - (a) subject to subsection (3) below, to interview the patient;
  - (b) to inform the patient—
    - (i) that the patient's responsible medical officer is proposing to make an application under section 149 of this Act for an order under section 167 of this Act;
    - (ii) of the patient's rights in relation to such an application; and
    - (iii) of the availability of independent advocacy services under section 259 of this Act;
  - (c) to take appropriate steps to ensure that the patient has the opportunity of making use of those services; and
  - (d) to inform the patient's responsible medical officer—
    - (i) as to whether the mental health officer agrees, or disagrees, that the proposed application should be made;
    - (ii) if the mental health officer disagrees, of the reason why that is the case; and

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 147 is up to date with all changes known to be in force on or before 17 August 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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(iii) of any other matters that the mental health officer considers relevant.

(3) If it is impracticable for the mental health officer to comply with the requirement in subsection (2)(a) above, the mental health officer need not do so.

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**Commencement Information**

**II** S. 147 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:**

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[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\(3\)](#)