



# 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 further review*

#### **[<sup>F1</sup>153A Further information on extension of compulsion order**

- (1) Subsections (2) and (3) below apply where—
  - (a) a mental health officer receives notice of a determination under section 152 of this Act from a patient's responsible medical officer, and
  - (b) the Tribunal is required by virtue of section 165(2)(a) of this Act to review the determination.
- (2) The mental health officer must—
  - (a) prepare a record stating the information mentioned in subsection (4) below,
  - (b) submit the record to the Tribunal, and
  - (c) at the same time as submitting the record to the Tribunal, send to the persons mentioned in subsection (6) below—
    - (i) a copy of the record, and
    - (ii) a statement of the matters mentioned in subsection (5) below.
- (3) At the same time as submitting the record to the Tribunal, the mental health officer must send a copy of the record to the patient except where the officer considers that doing so carries a risk of significant harm to the patient or others.
- (4) The information to be stated in the record is—

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 153A 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*

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- (a) the name and address of the patient,
  - (b) if known by the mental health officer, the name and address of—
    - (i) the patient's named person, and
    - (ii) the patient's primary carer,
  - (c) the things done by the mental health officer in compliance with the requirements in subsection (2) of section 151 of this Act (and, if by virtue of subsection (3) of that section the first-listed one has not been complied with, the reason why compliance with it was impracticable),
  - (d) so far as relevant to the extension of the compulsion order—
    - (i) the details of the personal circumstances of the patient, and
    - (ii) if known by the mental health officer, the details of any advance statement made by the patient (and not withdrawn by the patient),
  - (e) the views of the mental health officer on the extension of the compulsion order, and
  - (f) any other information that the mental health officer considers relevant in relation to the extension of the compulsion order.
- (5) The matters referred to in subsection (2)(c) above are—
- (a) whether the mental health officer is sending a copy of the record to the patient, and
  - (b) if the mental health officer is not sending a copy of the record to the patient, the reason for not doing so.
- (6) For the purposes of subsection (2)(c) above, the persons are—
- (a) the patient's named person,
  - (b) the patient's responsible medical officer, and
  - (c) the Commission.]

#### Textual Amendments

- F1** S. 153A inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), ss. **50(2)**, 61(2); S.S.I. 2017/197, art. 2, sch. (with art. 4)

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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\(3\)](#)