



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

## 2003 asp 13

### PART 9

#### COMPULSION ORDERS

#### CHAPTER 2

#### REVIEW OF COMPULSION ORDERS

##### *Extension and variation of order*

#### **154 Responsible medical officer's duty where extension and variation proposed**

- (1) This section applies where a patient's responsible medical officer is carrying out—
  - (a) the first review of the relevant compulsion order to which the patient is subject; or
  - (b) a further review of that order.
- (2) If, having regard to any views expressed by persons consulted under section 139(3)(c) of this Act for the purpose of the review being carried out, it appears to the responsible medical officer—
  - (a) that it will continue to be necessary for the patient to be subject to a compulsion order after the day on which the order will cease (unless extended) to authorise the measures specified in it; but
  - (b) that the compulsion order should be varied by modifying the measures specified in it,the responsible medical officer shall comply with the requirement in subsection (3) below.
- (3) The requirement is to give notice to the mental health officer—

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 154 is up to date with all changes known to be in force on or before 26 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) that the responsible medical officer is proposing to make an application to the Tribunal under section 158 of this Act for an order under section 167 of this Act—
    - (i) extending the compulsion order for the period mentioned in subsection (4) below; and
    - (ii) varying the order by modifying the measures specified in it; and
  - (b) of the modification of the measures specified in that order that the responsible medical officer is proposing.
- (4) The period referred to in subsection (3)(a)(i) above is—
- (a) where the application is made in respect of the first review, the period of 6 months beginning with the day on which the compulsion order will cease (unless extended) to authorise the measures specified in it;
  - (b) where the application is made in respect of the first further review, the period of 12 months beginning with the expiry of the period mentioned in paragraph (a) above;
  - (c) where the application is made in respect of a subsequent further review, the period of 12 months beginning with the expiry of the period of 12 months for which the order is extended as a result of the immediately preceding further review.

#### **Commencement Information**

- II** S. 154 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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**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\(3\)](#)