



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

## 2003 asp 13

### PART 9 **S**

#### COMPULSION ORDERS

### CHAPTER 2 **S**

#### REVIEW OF COMPULSION ORDERS

##### *Powers of Tribunal*

#### **167 Powers of Tribunal on application under section 149, 158, 161, 163 or 164 **S****

- (1) Where an application is made under section 149 of this Act, the Tribunal may make an order—
  - (a) extending the compulsion order to which the application relates for the period mentioned in section 146(2) of this Act;
  - (b) refusing the application; or
  - (c) refusing the application and revoking the compulsion order.
- (2) Where an application is made under section 158 of this Act, the Tribunal may make an order—
  - (a) extending the compulsion order to which the application relates for the period mentioned in section 154(4) of this Act and varying the compulsion order by modifying the measures specified in it;
  - (b) extending the compulsion order for that period;
  - (c) refusing the application; or
  - (d) refusing the application and revoking the compulsion order.
- (3) Where an application is made under section 163 of this Act, the Tribunal may make an order—
  - (a) revoking the determination to which the application relates;

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*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 167 is up to date with all changes known to be in force on or before 24 April 2024. 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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- (b) revoking—
    - (i) the determination; and
    - (ii) the compulsion order to which the determination relates;
  - (c) confirming the determination; or
  - (d) confirming the determination and varying the compulsion order by modifying the measures specified in it.
- (4) Where an application is made under section 164(2)(a) of this Act, the Tribunal may make an order—
- (a) revoking the compulsion order to which the application relates;
  - (b) varying the compulsion order by modifying the measures specified in it; or
  - (c) refusing the application.
- (5) Where an application is made under section 161 or 164(2)(b) of this Act, the Tribunal may make an order—
- (a) varying the compulsion order to which the application relates by modifying the measures specified in it;
  - (b) refusing the application; or
  - (c) refusing the application and revoking that order.
- (6) Before making a decision under any of subsections (1) to (5) above, the Tribunal shall afford the persons mentioned in subsection (7) below the opportunity—
- (a) of making representations (whether orally or in writing); and
  - (b) of leading, or producing, evidence.
- (7) Those persons are—
- (a) the persons mentioned in section 166(3)<sup>F1</sup>(a) to (h)] of this Act; and
  - (b) any other person appearing to the Tribunal to have an interest in the application.

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#### Textual Amendments

- F1** Words in s. 167(7)(a) inserted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, [sch. 1 para. 32\(15\)](#)
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#### Commencement Information

- II** S. 167 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:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 167 is up to date with all changes known to be in force on or before 24 April 2024. 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.

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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\(3\)](#)