



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

2003 asp 13

PART 10

COMPULSION ORDERS AND RESTRICTION ORDERS

CHAPTER 2

REVIEW OF ORDERS

Scottish Ministers' duty to keep orders under review

189 Reference to Tribunal by Scottish Ministers

- (1) This section applies where a patient is subject to a compulsion order and a restriction order.
- (2) If—
- (a) during the period of 2 years ending with the relevant day—
 - (i) no reference under section 185(1) or 187(2) of this Act has been made to the Tribunal; and
 - (ii) no application under section 191 or 192(2) of this Act has been made to the Tribunal; and
 - (b) during each period of 2 years ending with the anniversary, in every year thereafter, of the relevant day—
 - (i) no reference such as is mentioned in paragraph (a)(i) above or, subject to subsection (3) below, under this subsection has been made to the Tribunal; and
 - (ii) no application such as is mentioned in paragraph (a)(ii) above has been made to the Tribunal,

the Scottish Ministers shall make a reference to the Tribunal in respect of the compulsion order and restriction order to which the patient is subject.

Status: This is the original version (as it was originally enacted).

- (3) The Scottish Ministers shall, in considering, under subsection (2)(b)(i) above, whether a reference has been made to the Tribunal during any 2 year period, leave out of account any reference made under subsection (2) above during the first year of that 2 year period.
- (4) Where a reference is made under subsection (2) above, the Scottish Ministers shall, as soon as practicable, give notice that a reference is to be or, as the case may be, has been made to the persons mentioned in paragraphs (a) to (g) of section 185(2) of this Act.
- (5) A reference under subsection (2) above shall state—
 - (a) the name and address of the patient;
 - (b) the name and address of the patient’s named person; and
 - (c) the reason for making the reference.
- (6) In subsection (2) above, the “relevant day” means the day which falls 2 years after the day on which the compulsion order is made.