



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

## 2003 asp 13

### PART 11

#### HOSPITAL DIRECTIONS AND TRANSFER FOR TREATMENT DIRECTIONS

##### *Review of directions*

#### **206 Review of hospital direction and transfer for treatment direction**

- (1) This section applies where a patient is subject to—
  - (a) a hospital direction; or
  - (b) a transfer for treatment direction.
- (2) The patient's responsible medical officer shall, during the period of 2 months ending with the relevant day, carry out a review in respect of the direction by complying with the requirements set out in subsection (3) below.
- (3) Those requirements are—
  - (a) to—
    - (i) carry out a medical examination of the patient; or
    - (ii) make arrangements for an approved medical practitioner to carry out such a medical examination;
  - (b) to consider—
    - (i) whether the conditions mentioned in subsection (4) below continue to apply in respect of the patient;
    - (ii) whether, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
    - (iii) whether it continues to be necessary for the patient to be subject to the direction; and
  - (c) to consult—
    - (i) the mental health officer; and

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*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 206 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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- (ii) such other persons as the responsible medical officer considers appropriate.
- (4) Those conditions are—
- (a) that the patient has a mental disorder;
  - (b) that medical treatment which would be likely to—
    - (i) prevent the mental disorder worsening; or
    - (ii) alleviate any of the symptoms, or effects, of the disorder,is available for the patient; and
  - (c) that if the patient were not provided with such medical treatment there would be a significant risk—
    - (i) to the health, safety or welfare of the patient; or
    - (ii) to the safety of any other person.
- (5) In subsection (2) above, the “relevant day” means—
- (a) the day which falls 12 months after the day on which the direction is made; or
  - (b) where that relevant day has passed, the day falling on the same day in every year thereafter.

**Commencement Information**

- II** S. 206 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 206 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.

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**Changes and effects yet to be applied to :**

- s. 206 suspended by [2020 c. 7 Sch. 9 para. 9](#)

**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\(3\)](#)