



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 1

#### APPLICATION FOR, AND MAKING OF, ORDERS

#### *Pre-application procedures*

#### **60 Application for compulsory treatment order: notification**

- (1) Where a mental health officer is required by section 57(1) of this Act to make an application under section 63 of this Act in respect of a patient, the mental health officer shall, as soon as practicable after the duty to make the application arises (and, in any event, before making the application) give notice that the application is to be made—
  - (a) subject to subsection (2) below, to the patient in respect of whom the application is to be made;
  - (b) to the patient's named person; and
  - (c) to the Commission.
- (2) If the view set out in one of the mental health reports by virtue of section 57(5)(c) of this Act is that notice should not be given under paragraph (a) of subsection (1) above, the mental health officer—
  - (a) need not give such notice; but
  - (b) may, if the mental health officer considers it appropriate to do so, give such notice.

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 60 is up to date with all changes known to be in force on or before 27 June 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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#### **Commencement Information**

- II** **S. 60** 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)

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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\(3\)](#)