



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

62 Mental health officer's duty to prepare proposed care plan

- (1) This section applies 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.
- (2) The mental health officer shall, before the date on which, by virtue of section 57(7) of this Act, the application is to be made, prepare a plan (a “proposed care plan”) relating to the patient.
- (3) Before preparing the proposed care plan, the mental health officer shall consult—
 - (a) the medical practitioners who provided the mental health reports relating to the patient;
 - (b) subject to subsection (7) below, the persons mentioned in subsection (4) below; and
 - (c) such other persons as the mental health officer considers appropriate.
- (4) The persons referred to in subsection (3)(b) above are persons who appear to the mental health officer to provide—
 - (a) medical treatment of the kind that it is proposed to specify, by virtue of paragraph (d) of subsection (5) below, in the proposed care plan;
 - (b) community care services, or relevant services, of the kind that it is proposed to specify, by virtue of paragraph (e) of that subsection, in that plan; or

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- (c) other treatment, care or services of the kind that it is proposed to specify, by virtue of paragraph (f) of that subsection, in that plan.
- (5) The proposed care plan shall specify—
- (a) (by reference to the appropriate paragraph (or paragraphs) of the definition of “mental disorder” in section 328(1) of this Act), the type (or types) of mental disorder which the patient has;
 - (b) the needs of the patient for medical treatment that have been assessed by the medical practitioners who submitted the mental health reports relating to the patient;
 - (c) in so far as relevant for the purposes of the application—
 - (i) where the patient is a child, the needs of the patient that have been assessed under section 23(3) of the Children (Scotland) Act 1995 (c. 36);
 - (ii) where the patient is not a child, the needs of the patient that have been assessed under section 12A(1)(a) of the Social Work (Scotland) Act 1968 (c. 49);
 - (d) the medical treatment which it is proposed to give to the patient in relation to each of the needs specified by virtue of paragraph (b) above (including the names of the persons who would give the treatment and the addresses at which the treatment would be given);
 - (e) any community care services or relevant services which it is proposed to provide to the patient in relation to each of the needs specified by virtue of paragraph (c) above (including the names of the persons who would provide such services and the addresses at which such services would be provided);
 - (f) in so far as relevant for the purposes of the application—
 - (i) any treatment or care (other than treatment or care specified, by virtue of paragraph (d) above, in the proposed care plan); or
 - (ii) any service (other than a service specified, by virtue of paragraph (e) above, in the proposed care plan),
 which it is proposed to provide to the patient (including the names of the persons who would provide such treatment, care or service and the addresses at which such treatment, care or service would be provided);
 - (g) which of the measures mentioned in section 66(1) of this Act it is proposed that the compulsory treatment order should authorise;
 - (h) where it is proposed that the compulsory treatment order should authorise the detention of the patient in hospital, the name and address of the hospital;
 - (i) where it is proposed that the compulsory treatment order should authorise any of the measures mentioned in section 66(1)(c) to (h) of this Act, details of the measure (or measures);
 - (j) where it is proposed that the compulsory treatment order should specify—
 - (i) any medical treatment specified, by virtue of paragraph (d) above, in the proposed care plan;
 - (ii) any community care services, or relevant services, specified, by virtue of paragraph (e) above, in the proposed care plan; or
 - (iii) any treatment, care or service specified, by virtue of paragraph (f) above, in the proposed care plan,
 that medical treatment, those services or that treatment, care, or service, as the case may be;

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- (k) where it is proposed that the compulsory treatment order should authorise measures other than the detention of the patient in hospital, the name of the hospital the managers of which should have responsibility for appointing the patient's responsible medical officer; and
- (l) the objectives of—
 - (i) the medical treatment which it is proposed, by virtue of paragraph (d) above, to give to the patient;
 - (ii) any community care services or relevant services which it is proposed, by virtue of paragraph (e) above, to provide to the patient;
 - (iii) any treatment, care or service which, by virtue of paragraph (f) above, it is proposed to provide to the patient; and
 - (iv) the measures (other than detention of the patient in hospital) that it is proposed that the compulsory treatment order should authorise.
- (6) The proposed care plan shall be signed by the mental health officer.
- (7) The mental health officer need not consult any person such as is mentioned in subsection (4) above in any case where it is impracticable to do so.
- (8) In this section “child” has the same meaning as in section 23(3) of the Children (Scotland) Act 1995 (c. 36).

Commencement Information

- II** S. 62 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\(3\)](#)