



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

2003 asp 13

## PART 7

### COMPULSORY TREATMENT ORDERS

#### CHAPTER 1

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

###### *Making of order etc.*

#### **65 Powers of Tribunal on application under section 63: interim compulsory treatment order**

- (1) This section applies where an application is made under section 63 of this Act.
- (2) Subject to subsections (3) and (4) below and to section 69 of this Act, on the application of any person having an interest in the proceedings, or *ex proprio motu*, the Tribunal may, if satisfied as to the matters mentioned in subsection (6) below, make an order (an “interim compulsory treatment order”)—
  - (a) authorising for such period not exceeding 28 days as may be specified in the order such of the measures mentioned in section 66(1) of this Act as may be so specified; and
  - (b) if the order does not authorise the detention of the patient in hospital, specifying the name of the hospital the managers of which are to have responsibility for appointing the patient’s responsible medical officer.
- (3) The Tribunal may not make an interim compulsory treatment order if its effect, when taken with any other interim compulsory treatment order made in respect of the patient, would be to authorise measures in respect of the patient for a continuous period of more than 56 days.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Before making an interim compulsory treatment order, the Tribunal shall afford the persons mentioned in subsection (5) below the opportunity—
- (a) of making representations (whether orally or in writing); and
  - (b) of leading, or producing, evidence.
- (5) Those persons are—
- (a) the persons referred to in section 64(3)(a) to (e) and (g) to (i) of this Act;
  - (b) the medical practitioners who submitted the mental health reports which accompany the application under section 63 of this Act; and
  - (c) any other person appearing to the Tribunal to have an interest in that application.
- (6) The matters referred to in subsection (2) above are—
- (a) that the conditions mentioned in paragraphs (a) to (d) of section 64(5) of this Act are met in respect of the patient; and
  - (b) that it is necessary to make an interim compulsory treatment order.