



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 4

REVIEW OF ORDERS

Extension of order by responsible medical officer

87 Determination extending order: notification etc.

- (1) Where a patient's responsible medical officer makes a determination under section 86 of this Act, that officer shall, as soon as practicable after the determination is made and, in any event, before the day on which the compulsory treatment order will cease, if it is not extended by the determination, to authorise the measures specified in it, comply with the requirements in subsection (2) below.
- (2) Those requirements are—
 - (a) to prepare a record stating—
 - (i) the determination;
 - (ii) the reasons for it;
 - (iii) whether the mental health officer agrees, or disagrees, with the determination or has failed to comply with the duty imposed by section 85(2)(d)(i) of this Act;
 - (iv) if the mental health officer disagrees with the determination, the reasons for the disagreement;
 - (v) (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 that the patient has; and if there is a difference between that type (or types) and the type (or types) of

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- mental disorder recorded in the compulsory treatment order in respect of which the determination is made, what that difference is; and
- (vi) such other matters as may be prescribed by regulations;
- (b) to submit the record to the Tribunal; and
- (c) at the same time as the responsible medical officer submits the record to the Tribunal, to give notice of the determination and send a copy of the record—
- (i) subject to subsection (3) below, to the patient;
- (ii) to the patient’s named person;
- (iii) to the mental health officer; and
- (iv) to the Commission.
- (3) If the responsible medical officer considers that there would be a risk of significant harm to the patient, or to others, if a copy of the record were sent to the patient, that officer need not send a copy to the patient.
- (4) At the same time as the responsible medical officer submits the record to the Tribunal, that officer shall send to the Tribunal, and to the persons mentioned in subsection (2) (c)(ii) to (iv) above, a statement of the matters mentioned in subsection (5) below.
- (5) Those matters are—
- (a) whether the responsible medical officer is sending a copy of the record to the patient; and
- (b) if the responsible medical officer is not sending a copy of the record to the patient, the reason for not doing so.

Commencement Information

- I1** S. 87 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, [Sch. 1](#)
- I2** S. 87 in force at 5.10.2005 in so far as not already in force 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\(3\)](#)