



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

## 2003 asp 13

### PART 7 **S**

#### COMPULSORY TREATMENT ORDERS

### CHAPTER 4 **S**

#### REVIEW OF ORDERS

##### *Variation of order: application by responsible medical officer*

#### 95 Application to Tribunal by responsible medical officer **S**

An application under this section to the Tribunal by a patient's responsible medical officer for an order varying a compulsory treatment order—

- (a) shall state
  - (i) [<sup>F1</sup>the matters mentioned in section 92(a)(i) to [<sup>F2</sup>(iv)] of this Act;]
  - [<sup>F3</sup>(ii) whether the mental health officer agrees, or disagrees that the application should be made, or has failed to comply with the duty imposed by section 93(4C)(e)(i) of this Act; and
  - (iii) if the mental health officer disagrees, the reason for that disagreement.]and
- (b) shall be accompanied by such documents as may be prescribed by regulations.

#### Textual Amendments

- F1** Words in s. 95(a) renumbered as s. 95(a)(i) (2.12.2004) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 Modification Order 2004 \(S.S.I. 2004/533\)](#), arts. 1, **2(3)(b)**
- F2** Word in s. 95(a) substituted (2.12.2004) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 Modification Order 2004 \(S.S.I. 2004/533\)](#), arts. 1, **2(3)(a)**
- F3** S. 95(a)(ii)(iii) inserted (2.12.2004) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 Modification Order 2004 \(S.S.I. 2004/533\)](#), arts. 1, **2(3)(c)**

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 95 is up to date with all changes known to be in force on or before 10 December 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**

- I1** S. 95 in force at 21.3.2005 for specified purposes by [S.S.I. 2005/161](#), art. 2, [Sch. 1](#)
- I2** S. 95 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)

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 95 is up to date with all changes known to be in force on or before 10 December 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 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\(3\)](#)