



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 4

MENTAL HEALTH: MISCELLANEOUS AMENDMENTS AND REPEALS

68 **Review of determination extending compulsory treatment order**

Section 101 (duty of Mental Health Tribunal to review determination extending compulsory treatment order) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) is amended as follows—

(a) for subsection (2)(b) substitute—

“(b) the conditions in subsection (3) are satisfied in relation to the compulsory treatment order to which the determination relates,”

(b) after subsection (2) insert—

“(3) The conditions mentioned in subsection (2)(b) above are—

- (a) that the order was made 2 or more years before the renewal day;
- (b) that this section did not require the Tribunal to review the previous determination made under section 86 of this Act in relation to the order; and
- (c) that, in the period of 2 years ending with the day before the renewal day, no application has been made to the Tribunal under section 92, 99, 95 or 100 in relation to the order.

(4) In subsection (3) above, the renewal day is the first day on which the order, had it not been extended by the determination, would not authorise the measures specified in it.”