



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

## 2003 asp 13

### PART 11

#### HOSPITAL DIRECTIONS AND TRANSFER FOR TREATMENT DIRECTIONS

##### *Consequences of review*

#### **207 Responsible medical officer's report following review of direction**

- (1) This section applies where a patient's responsible medical officer carries out a review under section 206(2) of this Act.
- (2) The responsible medical officer shall, as soon as practicable after carrying out that review, submit a report in accordance with subsection (3) below to the Scottish Ministers.
- (3) That report shall record the responsible medical officer's views as to—
  - (a) whether the conditions mentioned in section 206(4) of this Act continue to apply in respect of the patient;
  - (b) whether, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
  - (c) whether it continues to be necessary for the patient to be subject to the direction.
- (4) If, after having regard to any views expressed by persons consulted under section 206(3)(c) of this Act, the responsible medical officer is not satisfied that the patient has a mental disorder, the responsible medical officer shall include in the report submitted to the Scottish Ministers under subsection (2) above a recommendation that the direction be revoked.
- (5) If, after having regard to any views expressed by persons consulted under section 206(3)(c) of this Act, the responsible medical officer—
  - (a) is satisfied that the patient has a mental disorder; but

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*Status: This is the original version (as it was originally enacted).*

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- (b) is not satisfied—
  - (i) that, as a result of the patient’s mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
  - (ii) that the conditions mentioned in paragraphs (b) and (c) of section 206(4) of this Act continue to apply in respect of the patient, the responsible medical officer shall include in the report submitted to the Scottish Ministers under subsection (2) above a recommendation that the direction be revoked.