



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

2003 asp 13

## PART 9

### COMPULSION ORDERS

#### CHAPTER 2

##### REVIEW OF COMPULSION ORDERS

###### *Extension and variation of order*

#### **155 Mental health officer's duties: extension and variation of compulsion order**

- (1) The mental health officer shall, as soon as practicable after receiving notice under section 154(3) of this Act, comply with the requirements in subsection (2) below.
- (2) Those requirements are—
  - (a) subject to subsection (3) below, to interview the patient;
  - (b) to inform the patient of the matters mentioned in subsection (4) below;
  - (c) to inform the patient of the availability of independent advocacy services under section 259 of this Act;
  - (d) to take appropriate steps to ensure that the patient has the opportunity of making use of those services; and
  - (e) to inform the patient's responsible medical officer—
    - (i) of whether the mental health officer agrees, or disagrees, that the application that is proposed should be made;
    - (ii) if the mental health officer disagrees, of the reason why that is the case; and
    - (iii) of any other matters that the mental health officer considers relevant.
- (3) If it is impracticable for the mental health officer to comply with the requirement in subsection (2)(a) above, the mental health officer need not do so.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The matters referred to in subsection (2)(b) above are—
- (a) that the patient’s responsible medical officer is proposing to make an application to the Tribunal under section 158 of this Act for an order—
    - (i) extending the compulsion order to which the patient is subject for the period mentioned in section 154(4) of this Act that applies in the patient’s case; and
    - (ii) varying the compulsion order by modifying the measures specified in it;
  - (b) the modification of the measures specified in that order that the responsible medical officer is proposing; and
  - (c) the patient’s rights in relation to such an application.