



Mental Health (Scotland) Act 2015

2015 asp 9

PART 2

CRIMINAL CASES

Miscellaneous amendments

50 Information on extension of compulsion order

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) After section 153 there is inserted—

“153A Further information on extension of compulsion order

- (1) Subsections (2) and (3) below apply where—
 - (a) a mental health officer receives notice of a determination under section 152 of this Act from a patient’s responsible medical officer, and
 - (b) the Tribunal is required by virtue of section 165(2)(a) of this Act to review the determination.
- (2) The mental health officer must—
 - (a) prepare a record stating the information mentioned in subsection (4) below,
 - (b) submit the record to the Tribunal, and
 - (c) at the same time as submitting the record to the Tribunal, send to the persons mentioned in subsection (6) below—
 - (i) a copy of the record, and
 - (ii) a statement of the matters mentioned in subsection (5) below.
- (3) At the same time as submitting the record to the Tribunal, the mental health officer must send a copy of the record to the patient except where the officer considers that doing so carries a risk of significant harm to the patient or others.

- (4) The information to be stated in the record is—
- (a) the name and address of the patient,
 - (b) if known by the mental health officer, the name and address of—
 - (i) the patient’s named person, and
 - (ii) the patient’s primary carer,
 - (c) the things done by the mental health officer in compliance with the requirements in subsection (2) of section 151 of this Act (and, if by virtue of subsection (3) of that section the first-listed one has not been complied with, the reason why compliance with it was impracticable),
 - (d) so far as relevant to the extension of the compulsion order—
 - (i) the details of the personal circumstances of the patient, and
 - (ii) if known by the mental health officer, the details of any advance statement made by the patient (and not withdrawn by the patient),
 - (e) the views of the mental health officer on the extension of the compulsion order, and
 - (f) any other information that the mental health officer considers relevant in relation to the extension of the compulsion order.
- (5) The matters referred to in subsection (2)(c) above are—
- (a) whether the mental health officer is sending a copy of the record to the patient, and
 - (b) if the mental health officer is not sending a copy of the record to the patient, the reason for not doing so.
- (6) For the purposes of subsection (2)(c) above, the persons are—
- (a) the patient’s named person,
 - (b) the patient’s responsible medical officer, and
 - (c) the Commission.”.

51 Notification of changes to compulsion order

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In section 157 (application for extension and variation of compulsion order: notification), paragraph (f) is repealed together with the word “and” immediately preceding it.
- (3) In section 160 (application for variation of compulsion order: notification), for the word “(f)” there is substituted “(e)”.

52 Effect of revocation of restriction order

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In subsection (2) of section 198 (effect of revocation of restriction order), for the words “Tribunal revoked the restriction order” there is substituted “order revoking the restriction order has effect in accordance with section 196 of this Act”.

53 Clarification of meaning of compulsion order

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) For the definition in subsection (1) of section 307 (interpretation) of “compulsion order” there is substituted—
 - ““compulsion order” means an order under section 57(2)(a) or 57A(2) of this Act;”.
- (3) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (4) In subsection (6)(d) of section 1 (principles for discharging certain functions), for the words “section 57A(2)” there is substituted “section 57(2)(a) or 57A(2)”.
- (5) For the definition in subsection (1) of section 329 (interpretation) of “compulsion order” there is substituted—
 - ““compulsion order” means an order under section 57(2)(a) or 57A(2) of the 1995 Act;”.