



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 4

REVIEW OF ORDERS

Review by Tribunal of determination extending order

101 Tribunal's duty to review determination under section 86

- (1) This section applies where a patient's responsible medical officer makes a determination under section 86 of this Act.
 - (2) If—
 - (a) the record submitted to the Tribunal under section 87(2)(b) of this Act states—
 - (i) that there is a difference between the type (or types) of mental disorder that the patient has and the type (or types) of mental disorder recorded in the compulsory treatment order in respect of which the determination is made; or
 - (ii) that the mental health officer disagrees with the determination or has failed to comply with the duty imposed by section 85(2)(d)(i) of this Act; or
 - (b) no decision has been made by the Tribunal under this section or section 103 of this Act in respect of the compulsory treatment order to which the determination relates during the period of 2 years ending with the day on which the order, had it not been extended by the determination, would have ceased to authorise the measures specified in it,
- the Tribunal shall review the determination.

Status: Point in time view as at 05/10/2005.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Review by Tribunal of determination extending order is up to date with all changes known to be in force on or before 05 July 2024. 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)

Commencement Information

- I1** S. 101(1) in force at 5.10.2005 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)
- I2** S. 101(2)(a) in force at 5.10.2005 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)

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