



# 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

[<sup>F1</sup>(b) the conditions in subsection (3) are satisfied in relation to the compulsory treatment order to which the determination relates,]

the Tribunal shall review the determination.

[<sup>F2</sup>(3) The conditions mentioned in subsection (2)(b) above are—

- (a) that the order was made 2 or more years before the renewal day;

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*Status: Point in time view as at 01/04/2015. This version of this provision has been superseded.*

*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 101 is up to date with all changes known to be in force on or before 06 August 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)*

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- (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.]

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#### **Textual Amendments**

- F1** S. 101(2)(b) substituted (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), **ss. 68(a), 79(3)**; [S.S.I. 2007/334](#), art. 2(b), sch. 2
- F2** S. 101(3)(4) inserted (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), **ss. 68(b), 79(3)**; [S.S.I. 2007/334](#), art. 2(b), sch. 2

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#### **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)

**Status:**

Point in time view as at 01/04/2015. This version of this provision has been superseded.

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 101 is up to date with all changes known to be in force on or before 06 August 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.