



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

## 2003 asp 13

### PART 10 **S**

#### COMPULSION ORDERS AND RESTRICTION ORDERS

### CHAPTER 2 **S**

#### REVIEW OF ORDERS

##### *Reference to Tribunal by Scottish Ministers*

#### **185 Duty of Scottish Ministers on receiving report from responsible medical officer **S****

- (1) Where a patient's responsible medical officer submits to the Scottish Ministers—
  - (a) a report under section 183(2) of this Act that includes a recommendation; or
  - (b) a report under section 184 of this Act,the Scottish Ministers shall make a reference to the Tribunal in respect of the compulsion order and restriction order to which the patient is subject.
- (2) Where a reference is made under subsection (1) above, the Scottish Ministers shall, as soon as practicable, give notice that a reference is to be made to—
  - (a) the patient;
  - (b) the patient's named person;
  - (c) any guardian of the patient;
  - (d) any welfare attorney of the patient;
  - (e) the patient's responsible medical officer;
  - (f) the mental health officer; and
  - (g) the Commission.
- (3) A reference under subsection (1) above shall state—

---

**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 185 is up to date with all changes known to be in force on or before 03 September 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) View outstanding changes*

---

- (a) the name and address of the patient;
- (b) the name and address of the patient’s named person; and
- (c) the recommendation included in the report submitted by the responsible medical officer.

---

**Commencement Information**

- II** [S. 185](#) 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](#))

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Section 185 is up to date with all changes known to be in force on or before 03 September 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)