



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 4

#### REVIEW OF ORDERS

##### *Revocation of order by responsible medical officer or Commission*

#### **79 Responsible medical officer's duty to revoke order: mandatory reviews**

- (1) This section applies where a patient's responsible medical officer is carrying out—
  - (a) the first review of the compulsory treatment order to which the patient is subject; or
  - (b) a further review of that order.
- (2) If, having regard to any views expressed by persons consulted under section 77(3)(c) of this Act for the purpose of the review being carried out, the responsible medical officer is not satisfied—
  - (a) that the conditions mentioned in paragraphs (a) to (d) of section 64(5) of this Act continue to apply in respect of the patient; or
  - (b) that it continues to be necessary for the patient to be subject to a compulsory treatment order,the responsible medical officer shall make a determination revoking the compulsory treatment order.
- (3) A determination under this section shall be made as soon as practicable after the duty to make it arises.

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**Status:** Point in time view as at 28/06/2021.

**Changes to legislation:** Mental Health (Care and Treatment) (Scotland) Act 2003, Section 79 is up to date with all changes known to be in force on or before 27 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)

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#### **Commencement Information**

- II** S. 79 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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