



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

2003 asp 13

PART 7

COMPULSORY TREATMENT ORDERS

CHAPTER 4

REVIEW OF ORDERS

Extension and variation of order: application by responsible medical officer

88 Responsible medical officer's duty where extension and variation of order appear appropriate

- (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, it appears to the responsible medical officer—
 - (a) that it will continue to be necessary for the patient to be subject to a compulsory treatment order after the day on which the order will cease (unless extended) to authorise the measures specified in it; but
 - (b) that the order should be varied by modifying the measures, or any recorded matter, specified in it,the responsible medical officer shall comply with the requirement in subsection (3) below.
- (3) That requirement is to give notice to the mental health officer—

Status: This is the original version (as it was originally enacted).

- (a) that the responsible medical officer is proposing to make an application to the Tribunal under section 92 of this Act for an order under section 103 of this Act—
 - (i) extending the compulsory treatment order for the period mentioned in subsection (4) below; and
 - (ii) varying that order by modifying the measures, or a recorded matter, specified in it; and
 - (b) of the modification of the measures, or any recorded matter, specified in that order that the responsible medical officer is proposing.
- (4) The period referred to in subsection (3) above is—
- (a) where the application is made in respect of the first review, the period of 6 months beginning with the day on which the compulsory treatment order will (unless extended) cease to authorise the measures specified in it;
 - (b) where the application is made in respect of the first further review, the period of 12 months beginning with the expiry of the period mentioned in paragraph (a) above;
 - (c) where the application is made in respect of a subsequent further review, the period of 12 months beginning with the expiry of the period of 12 months for which the order is extended as a result of the immediately preceding further review.