



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

2003 asp 13

PART 7 **S**

COMPULSORY TREATMENT ORDERS

CHAPTER 4 **S**

REVIEW OF ORDERS

Extension and variation of order: application by responsible medical officer

89 Mental health officer's duties: extension and variation of order **S**

- (1) The mental health officer shall, as soon as practicable after receiving notice under section 88(3) of this Act, comply with the requirements in subsection (2) below.
- (2) Those requirements are—
 - (a) subject to subsection (3) below, to interview the patient;
 - (b) to inform the patient of the matters mentioned in subsection (4) below;
 - (c) to inform the patient of the availability of independent advocacy services under section 259 of this Act;
 - (d) to take appropriate steps to ensure that the patient has the opportunity of making use of those services; and
 - (e) to inform the patient's responsible medical officer—
 - (i) of whether the mental health officer agrees, or disagrees, that the application that is proposed should be made;
 - (ii) if the mental health officer disagrees, of the reason why that is the case; and
 - (iii) of any other matters that the mental health officer considers relevant.
- (3) If it is impracticable for the mental health officer to comply with the requirement in subsection (2)(a) above, the mental health officer need not do so.

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 89 is up to date with all changes known to be in force on or before 30 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) [View outstanding changes](#)*

- (4) The matters referred to in subsection (2)(b) above are—
- (a) that the patient’s responsible medical officer is proposing to make an application to the Tribunal under section 92 of this Act for an order—
 - (i) extending the compulsory treatment order to which the patient is subject for the period mentioned in section 88(4) of this Act; and
 - (ii) varying the compulsory treatment order by modifying the measures or a recorded matter specified in it;
 - (b) the modification of the measures or any recorded matter specified in that order that the responsible medical officer is proposing; and
 - (c) the patient’s rights in relation to such an application.

Commencement Information

- II** S. 89 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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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\(3\)](#)