



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 4

#### REVIEW OF ORDERS

*Recorded matters: reference to Tribunal by responsible medical officer*

#### **96 Recorded matters: reference to Tribunal by responsible medical officer**

- (1) This section applies where a patient is subject to a compulsory treatment order which specifies one or more recorded matters.
- (2) Without prejudice to the duties imposed on the patient's responsible medical officer by sections 77(2), 78(2) and 83(2) of this Act and subject to subsection (6) below, if it appears to the responsible medical officer that any recorded matter specified in the compulsory treatment order is not being provided, the responsible medical officer shall, as soon as practicable, consult—
  - (a) the mental health officer; and
  - (b) such other persons as the responsible medical officer considers appropriate.
- (3) If, having regard to any views expressed by persons consulted under subsection (2) above, the responsible medical officer is satisfied that a recorded matter specified in the compulsory treatment order is not being provided, the responsible medical officer shall make a reference to the Tribunal.
- (4) A reference under subsection (3) above—
  - (a) shall state—
    - (i) the name and address of the patient;
    - (ii) the name and address of the patient's named person; and

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*Status: This is the original version (as it was originally enacted).*

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- (iii) the reason for making the reference; and
  - (b) shall be accompanied by such documents as may be prescribed by regulations.
- (5) A reference under subsection (3) above shall be made as soon as practicable after the duty to make it arises.
- (6) Subsections (2) to (5) above do not apply where—
  - (a) the responsible medical officer is required, by virtue of section 79 or 80 of this Act, to revoke the compulsory treatment order; or
  - (b) the responsible medical officer is making an application under section 92 or 95 of this Act in respect of the compulsory treatment order.

## **97 Reference to Tribunal under section 96(3): notification**

Where a patient's responsible medical officer is required by section 96(3) of this Act to make a reference to the Tribunal, the responsible medical officer shall, as soon as practicable after the duty to make the reference arises, give notice that the reference is to be made to the persons mentioned in section 91(a) to (f) of this Act.