
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 365

The Mental Health (Compulsion orders – documents and reports to be submitted to the Tribunal) (Scotland) Regulations 2005

Application for extension of compulsion order following first review: reports to be prepared and submitted to Tribunal under section 173

5. Where the Tribunal is considering an application made under section 149 and is not satisfied that it has sufficient information to enable it to make a decision, the Tribunal may require, under section 173(2) (power to require preparation and submission of reports)–

- (a) the mental health officer to prepare and submit to it a report–
 - (i) on the steps that the mental health officer has taken to comply with the requirements imposed by section 147(2) (mental health officer’s duties to patient etc);
 - (ii) giving the views of the mental health officer on the application and the reasons for those views;
 - (iii) giving, if known to the mental health officer, the views of the patient and the patient’s named person on the application and the reasons for those views;
 - (iv) giving, in so far as the mental health officer considers relevant for the purposes of the review, details of the personal circumstances of the patient;
 - (v) giving, if known to the mental health officer, details of any advance statement that the patient has made (and not withdrawn); and
 - (vi) giving any other information which the mental health officer considers may assist the Tribunal in considering the application; and
- (b) the patient’s responsible medical officer to prepare and submit to it a report–
 - (i) stating the basis on which the responsible medical officer is satisfied that the conditions mentioned in section 139(4) (conditions applying to patient) continue to apply and the reasons for that view;
 - (ii) specifying, by reference to the appropriate sub-paragraph of section 328(1) (meaning of “mental disorder”), the type (or types) of mental disorder that the patient has;
 - (iii) stating why the responsible medical officer considers that it continues to be necessary for the patient to be subject to the compulsion order;
 - (iv) on the extent to which the objectives of any medical treatment, community care services, other relevant services, or any other treatment, care or service included in the patient’s Part 9 care plan are being met; and
 - (v) giving any other information which the responsible medical officer considers may assist the Tribunal in considering the application.