

SECTION 193 ORDER

Application / Reference

The Mental Health Tribunal for Scotland received on Date / /

the following:

- a reference under section 185 (1) of the Act (Part 1 of CORO2 (Part A) plus CORO1)
- a reference under sections 187(2) or 189(2) of the Act (Part 1 of CORO2 (Part A))
- an application under section 191 of the Act (Part 2 of CORO2 (Part A))
- an application under section 192(2) of the Act (Part 3 of CORO2 (Part A))
- an appeal under section 201 or 204 of the Act (Part 4 of CORO2 (Part A))

Hearing Details

A hearing to consider the above reference / application / appeal was heard on Date / /
dd / mm / yyyy

Before the following Tribunal members -

Convener

Medical

General

Hearing Address

Postcode

Before determining the reference, the Mental Health Tribunal for Scotland afforded the persons mentioned in section 193 (9) of the Act the opportunity to make representations (whether orally or in writing), and to lead or produce evidence. Evidence was provided by:

- Patient
- Patient's Named Person
- Patient's Primary Carer
- Any Guardian of the Patient
- Any Welfare Attorney of the Patient
- Any other person appearing to the Tribunal to have an interest (list below)
- Curator Ad Litem
- Scottish Ministers
- Patient's RMO
- Patient's MHO

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Tribunal Determination

Shade appropriate option(s) A thru G

Where option D completed: Irrespective of whether there has been a variation to the measures as a result of this order (option E completed), Part 1a on page 5 should be completed detailing ALL measures authorised by this order.

A - complete where - Tribunal does NOT make an order

- The Mental Health Tribunal for Scotland is satisfied:
- (a) that the patient has a mental disorder; and
 - (b) that, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment,
- and makes no order under this section.

B - complete where - Tribunal makes an order under section 193(3) revoking the compulsion order

- The Mental Health Tribunal for Scotland is NOT satisfied that the patient has a mental disorder; and makes an order revoking the compulsion order

C - complete where - Tribunal makes an order under section 193(4) revoking the compulsion order

- The Mental Health Tribunal for Scotland is satisfied that the patient has a mental disorder; but is NOT satisfied
- (i) that, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
 - (ii) that the conditions mentioned in paragraphs (b) and (c) of section 182(4) of the Act continue to apply in respect of the patient,
- and makes an order revoking the compulsion order

D - complete where - Tribunal makes an order under section 193(5) revoking the restriction order

- The Mental Health Tribunal for Scotland is satisfied:
- (i) that the conditions mentioned in section 182(4) of the Act continue to apply in respect of the patient; and
 - (ii) that it continues to be necessary for the patient to be subject to the compulsion order;
- but is NOT satisfied-
- (i) that, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
 - (ii) that it continues to be necessary for the patient to be subject to the restriction order,
- and makes an order revoking the restriction order.

E - complete where - Tribunal additionally makes an order under section 193(6) varying the compulsion order

- The Mental Health Tribunal for Scotland, having made an order under section 193(5), is satisfied that the compulsion order should be varied by modifying the measures specified in it,
- and makes an order varying the compulsion order by modifying the measures specified in it.

Options F and G are on next page



F - complete where - Tribunal makes an order under section 193(7) conditionally discharging the patient

- The Mental Health Tribunal for Scotland is satisfied:
 - (i) that the conditions mentioned in section 182(4) of the Act continue to apply in respect of the patient; and
 - (ii) that it continues to be necessary for the patient to be subject to the compulsion order and the restriction order
- but is NOT satisfied-
 - (i) that, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
 - (ii) that it continues to be necessary for the patient to be detained in hospital,

and makes an order that the patient be conditionally discharged and imposes the following conditions on the discharge

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G - complete where - Tribunal makes no order (patient is on conditional discharge or is to remain detained for a reason other than section 193(2))

- The Mental Health Tribunal for Scotland makes no order.



Part 1b: Advance Statement (only complete if the patient remains subject to the compulsion order)

Complete A, B or C as appropriate

A As far as is practicable to ascertain, the patient does not have an advance statement under S275 of the Act.

OR

B As far as is practicable to ascertain: the patient has made and not withdrawn an advance statement under S275 of the Act; and the patient's current/proposed care and treatment are NOT in conflict with any wishes specified in that advance statement.

OR

C The patient has made and not withdrawn an advance statement under S275 of the Act. This advance statement IS in conflict with current/proposed care and treatment authorised by measures in this order. Please record in the box below:

- The date of the advance statement(s).
- Details of treatment that is in conflict with the advance statement and how.
- Where the conflict with the advance statement concerns treatment the patient specified wishes to receive, that they are not receiving, please provide details of this.
- Reasons for authorising measures that allow this treatment to be given/not given, despite the conflict with the advance statement, with reference to the Principles of the Act.

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Where the treatment is in conflict with the advance statement, a record of the above has been sent to:

- the patient
- the patient's welfare attorney
- the patient's named person (if any)
- the patient's guardian
- the Mental Welfare Commission (a copy of this form and any other record which has been sent to the patient/ others)

Signature / Date

Signed
by the Convenor

Date
dd / mm / yyyy

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