# The Mental Health (Care and Treatment) (Scotland) Act 2003 Order under sections 265 or 269 of the Act

Patient detained in conditions of excessive security

This box is for use of the Mental Health Tribunal for Scotland only

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 $\bigcirc$  Section 264(2) (State hospital)

(Hospital other than state hospital)  $\bigcirc$  Section 268(2)

of the Act requiring the Health Board to transfer the patient before the end of:

Date		/		/		
uu / mm / yyyy						

Notice that the Health Board has complied with this order has not been received by the Mental Health Tribunal for Scotland.

The patient is a "relevant patient" as defined by Section 273 of the Act ie: those subject to Compulsion Order and Restriction Orders, Hospital Directions, or Transfer for Treatment Directions

$\odot$ Yes $\odot$ No

C







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To be completed by Mental Health Tribunal for Scotland

## Record of Order made under Section 265(3) or Section 269(3) of the Act

Hearing Details						
A further hearing to cons detained under condition heard on			Date / /			
Before the following Tribu	unal members -					
Conve	ener					
Medic	al					
General						
Hearing Address						
Postcode						
Representation / Evide	ence					
			for Scotland afforded the pe	ersons mentioned in sections		

Before determining the application, the Mental Health Tribunal for Scotland afforded the persons mentioned in sections 264(10) / 268(10) of the Act the opportunity to: make representations (whether orally or in writing); and leading, or producing evidence. Please shade.

Attended hearing	Gave evidence
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	Attended hearing

List below any other persons appearing to the Tribunal to have an interest and indicate if they attended the hearing and if they gave evidence

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## **TRIBUNAL ORDER (cont)**

To be completed by Mental Health Tribunal for Scotland

#### Tribunal Determination

Complete the appropriate option

### A: Tribunal makes an order under section 265(3) or 269(3)

The Mental Health Tribunal for Scotland declares that the patient IS being detained in conditions of excessive security;

 State hospital - S265(3) - the Tribunal is satisfied that the patient does not require to be detained under conditions of special security that can be provided only in a state hospital and makes an Order under section 265(3).

Or

O Hospital other than state hospital - S269(3) - the Tribunal is satisfied that the detention of the patient in the hospital in which they are being detained involves the patient being subject to a level of security that is excessive in the patient's case and makes an Order under section 269(3).

The Mental Health Tribunal for Scotland specifies							
$\odot$ a period of 28 days	$\bigcirc$ a period of			7			
		(Note: between 2	28 days and 3 months)				
from the date of this order (see below) during which the duties under sections 265(4) to 265(6) or 269(4) to 269(6) of the Act (as applicable) shall be performed by:							
Health Board:	(the relevant Health Board under Sect	tion 273 or the Act of	and associated regulations)				
(the relevant Health Board under Section 273 or the Act and associated regulations)							
B: No order is made							

The Mental Health Tribunal for Scotland declares that the patient IS NOT being detained in conditions of excessive security;

• State hospital - the Tribunal is satisfied that the patient requires to be detained under conditions of special security that can be provided only in a state hospital.

Or

• Hospital other than state hospital - the Tribunal is satisfied that the level of security at the hospital in which the patient is being detained is not excessive in the patient's case.

Signature / Date	
Signed by Convener	
Date dd / mm / yyyy	

Note: The Order should be sent to the relevant Health Board, and where the patient is a "relevant patient", it should be copied to Scottish Ministers. All orders should also be copied to the Mental Welfare Commission.

