

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. Please shade.

	Attended hearing	Gave evidence
Patient	<input type="radio"/>	<input type="radio"/>
Patient's Named Person	<input type="radio"/>	<input type="radio"/>
Guardian of the patient	<input type="radio"/>	<input type="radio"/>
Welfare Attorney of patient	<input type="radio"/>	<input type="radio"/>
Patient's MHO	<input type="radio"/>	<input type="radio"/>
Patient's RMO	<input type="radio"/>	<input type="radio"/>
Patient's primary carer	<input type="radio"/>	<input type="radio"/>
Curator Ad Litem	<input type="radio"/>	<input type="radio"/>
Scottish Ministers	<input type="radio"/>	<input type="radio"/>

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

1	
----------	--



Tribunal Determination

Shade appropriate option(s) A thru G

ONLY 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 Tribunal 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 Tribunal 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 Tribunal 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) either –
 - (A) that the conditions mentioned in paragraphs (b) and (c) of section 182(4) of the Act continue to apply in respect of the patient, or
 - (B) that it continues to be necessary for the patient to be subject to the compulsion order,
- and makes an order revoking the compulsion order

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

- The Tribunal 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 Tribunal, 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 Tribunal 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

2

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 Tribunal makes no order.



Part 1a - Measures Authorised (Complete ONLY where option D or D + E chosen on page 3)

Complete this side for
*all measures authorised
before this Tribunal hearing*

Complete this side for
*all measures authorised
after this Tribunal hearing*

- (a) the patient's detention in the following specified:

hospital

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

hospital unit
(if applicable)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

- (b) giving the patient medical treatment in accordance with Part 16 of the Act

- (c) requiring the patient to attend on: specified or directed dates; or at specified or directed intervals, specified or directed places with a view to receiving medical treatment (including associated travel where appropriate), as detailed below. If the Tribunal specifies a matter then that matter should be inserted in the box below. If the Tribunal leaves that matter to be as directed by the RMO, then the box below should be left blank.

2	
----------	--

- (d) requiring the patient to attend: on specified or directed dates; or at specified or directed intervals, specified or directed places with a view to receiving community care services, relevant services or any treatment care or service (including associated travel where appropriate), as detailed below. If the Tribunal specifies a matter then that matter should be inserted in the box below. If the Tribunal leaves that matter to be as directed by the RMO, then the box below should be left blank.

3	
----------	--

- (e) requiring the patient to reside at a specified place, as detailed below. If this measure is authorised then the Tribunal **must** write in the box below the address of the specified place; that address cannot be as "directed by the RMO".

4	
----------	--

- (f) requiring the patient to allow any of the following parties to visit the patient in the place where the patient resides. Those parties are:

- patient's MHO patient's RMO any person responsible for providing medical treatment, community care services, relevant services or any treatment, care or services to the patient who is authorised for this purpose by the patient's RMO.

- (g) requiring the patient to obtain the approval of the MHO to any proposed change of address

- (h) requiring the patient to inform the MHO of any change of address before the change of address takes effect

Where the order authorises measures other than the detention of the patient in hospital, the managers of the following hospital will have responsibility for appointing the patient's RMO.

Hospital

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--



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.

6	
----------	--

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

		/			/				
--	--	---	--	--	---	--	--	--	--

