SCOTTISH STATUTORY INSTRUMENTS

2005 No. 312

MENTAL HEALTH

The Mental Health (Content and amendment of Part 9 care plans) (Scotland) Regulations 2005

Made - - - -	*6th June 2005*
Laid before the Scottish Parliament - - - -	*8th June 2005*
Coming into force - -	*5th October 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 137(3)(b) and 137(5)(a) of the Mental Health (Care and Treatment) (Scotland) Act 2003(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mental Health (Content and amendment of Part 9 care plans) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

(2) In these Regulations unless the context otherwise requires, any reference to a numbered section is a reference to the section bearing that number in the Mental Health (Care and Treatment) (Scotland) Act 2003.

Content of Part 9 care plan

2.—(1) The information relating to the care of a patient, which is prescribed for the purpose of section 137(3)(b) (other information to be included in Part 9 care plan in addition to the medical treatment), is–

(a) full details of the compulsion order and the day on which the order was made;

(b) the objectives of the medical treatment referred to in section 137(3)(a) (medical treatment to be recorded in Part 9 care plan);

(c) details of any community care services or other relevant services and the objectives of those services–

(i) which it is proposed to give; and

(ii) which are being given,

(**1**) 2003 asp 13.

to the patient;

(d) details of any other treatment, care or service (other than that described in section 137(3)(a) or in paragraph (c) of this regulation) and the objectives of that treatment, care or service–

(i) which it is proposed to give; and

(ii) which is being given,

to the patient;

(e) the name and other appropriate contact details of the patient's responsible medical officer;

(f) the name and other appropriate contact details of the patient's mental health officer;

(g) the period of 2 months ending with the date by which–

(i) the first mandatory review under section 139(2) (carrying out of first review of compulsion order by responsible medical officer); or

(ii) any further mandatory review under section 140(2) (carrying out of further review of compulsion order by responsible medical officer),

of the patient's compulsion order must take place;

(h) the dates on which such reviews have taken place;

(i) the date of the patient's conviction;

(j) the offence of which the patient was convicted; and

(k) if the patient is subject to–

(i) the notification requirements in Part 2 of the Sexual Offences Act 2003(**2**); or

(ii) a sexual offences prevention order under section 105 of that Act,

and if so the notification period or the period specified in the order.

(2) Where the Part 9 care plan is required to be amended in any of the circumstances prescribed in regulation 3, the information in the care plan shall be amended to take account of those circumstances.

Amendment of Part 9 care plan

3.—(1) The circumstances prescribed for the purpose of section 137(5)(a) (circumstances in which Part 9 care plan must be amended) are–

(a) where the Tribunal has made an order under–

(i) section 166(1)(d) (confirmation of determination and variation of compulsion order);

(ii) section 167(1)(a) (extension of compulsion order);

(iii) section 167(2)(a) (extension and variation of compulsion order);

(iv) section 167(3)(d) (confirmation of determination and variation of compulsion order);

(v) section 167(4)(b) (variation of compulsion order);

(vi) section 167(5)(a) (variation of compulsion order); or

(vii) section 171(1)(a) (variation of compulsion order);

(b) where the Tribunal has made an interim order under–

(i) section 168(2)(b)(i) (extension of compulsion order);

(ii) section 168(2)(b)(ii) (extension and variation of compulsion order); or

(iii) section 169(2) (variation of compulsion order);

(**2**) 2003 c. 42.