SCOTTISH STATUTORY INSTRUMENTS

2005 No. 309

MENTAL HEALTH

The Mental Health (Content and amendment of 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 76(2)(b) and 76(4)(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 care plans) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

(2) In these Regulations, 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 care plan

2.—(1) The information relating to the care of a patient, which is prescribed for the purpose of section 76(2)(b) (information to be included in care plan in addition to the medical treatment), is–

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

(b) the objectives of the medical treatment referred to in section 76(2)(a) (medical treatment to be set out in 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,

to the patient;

(**1**) 2003 asp 13.

(d) details of any other treatment, care or service (other than that described in section 76(2)(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 77(2) (carrying out of first review of compulsory treatment order by responsible medical officer); or

(ii) any further mandatory review under section 78(2) (carrying out of further review of compulsory treatment order by responsible medical officer),

of the patient's compulsory treatment order must take place; and

(iii) the dates on which any such reviews have taken place.

(2) Where the 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 care plan

3.—(1) The circumstances prescribed for the purpose of section 76(4)(a) (circumstances in which care plan must be amended) are–

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

(i) section 102(1)(d) (confirmation of determination and variation of compulsory treatment order);

(ii) section 103(1)(a) (extension and variation of compulsory treatment order);

(iii) section 103(1)(b) (extension of compulsory treatment order);

(iv) section 103(2)(d) (confirmation of determination and variation of compulsory treatment order);

(v) section 103(3)(b) (variation of compulsory treatment order);

(vi) section 103(4)(a) (variation of compulsory treatment order); or

(vii) section 104(1)(a) (variation of compulsory treatment order);

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

(i) section 105(2)(b)(i) (extension of compulsory treatment order);

(ii) section 105 (2)(b)(ii) (extension and variation of compulsory treatment order);or

(iii) section 106(2) (variation of compulsory treatment order, following an application under section 92 or 95);

(c) where the patient's responsible medical officer has–

(i) made a determination extending a compulsory treatment order under section 86(1);

(ii) granted a certificate under–

(aa) section 127(1)(b) (period during which detention in hospital under a compulsory treatment order is not authorised); or

(bb) section 128(1)(b) (period during which certain measures in a compulsory treatment order are not authorised),