

Application Details

Application made by :

- the patient
- the patient's named person
- the guardian of the patient (see note)
- the welfare attorney of the patient (see note)
- the patient's primary carer
- the patient's nearest relative
- the Mental Welfare Commission

Note

"Guardian" means a person appointed as a guardian under the Adults with Incapacity (Scotland) Act 2000 (asp 4) who has power by virtue of section 64(1)(a) or (b) of that Act in relation to the personal welfare of a person

"Welfare attorney" means an individual authorised, by a welfare power of attorney granted under section 16 of the Adults with Incapacity (Scotland) Act 2000 (asp 4) and registered under section 19 of that Act, to act as such

The application was made on :

Date / /
dd / mm / yyyy

Patient's Detention Status

The aforementioned patient is currently liable to be detained in the following hospital / hospital unit:

Hospital / Unit

Ward

The patient's detention in the above hospital / hospital unit is authorised by:

- A compulsory treatment order
- A compulsion order
- A hospital direction
- A transfer for treatment direction
- A compulsion order and a restriction order (CORO)

The start date of the order was: / /

- The measure authorising the patient's detention has been suspended under section 127 or Section 224(2) of the Act.

Note: patients subject to Compulsion Order and Restriction Orders, Hospital Directions or Transfer for Treatment Directions are deemed to be "relevant patients"



Determination

Complete A or B as appropriate

A: Application is Allowed

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

- State hospital - S264(2)** - 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 264(2).

Or

- Hospital other than state hospital - S268(2)** 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 268(2).

The Mental Health Tribunal for Scotland specifies a period of:

Note: this must NOT exceed three months

from the date of this order (see below) during which the duties under section 264(3) to (5) or 268(3) to (5) of the Act (as applicable) shall be performed by

Health Board: **NHS**

(the relevant Health Board under Section 273 or the Act and associated regulations)

B: Application is Refused

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 the 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 be copied to the Mental Welfare Commission.

