



MENTAL HEALTH (CARE & TREATMENT)(S) ACT 2003

CIRCUMSTANCES WHERE WARRANTS ARE USED

s35 Following an s33 Enquiry, the M.H.O. is refused entry and feels that the person is at risk under the criteria of s33. M.H.O. can apply for an Order to forcibly gain access to the property.

Validity: 8 days from being granted.

Venue: Sheriff or Justice of the Peace.

s35(7) If the M.H.O./R.M.O. or G.P. require access to a person's medical records but are denied such, they can apply for a Warrant to enable these to be obtained.

Validity: 8 days from being granted.

Venue: Sheriff or Justice of the Peace.

s35(4) Should it be considered necessary to forcibly gain access to premises, and thereafter hold an individual for the purposes of medical examination, a separate Warrant is needed.

This could allow for use of s36 to admit the individual compulsorily.

Validity: 8 days from being granted.

Duration: Person can be held for up to 3 hours for medical examination

Venue: Sheriff or Justice of the Peace.

s292 Where an individual is living in the community but subject of a C.T.O. or C.O., which allows access to them by M.H.O./R.M.O./C.P.N. etc., this Warrant can be applied for.

It allows those who have already authorisation to gain ability to enter the premises. Under this Warrant the person can be admitted/re-admitted to hospital, for assessment purposes.

Particularly useful in positions of non compliance, where access has also been denied.

Validity: Assumed 72 hours, as no specification in section.

Duration: Not specified.

Venue: Sheriff or Justice of the Peace.

s293 This allows for access to the premises where a person subject of compulsion lives, but only to remove them to a place of safety for up to 7 days. This action must be predicated by the fact that there would be a likelihood of significant harm, if they were not removed. The issues are the same as s33, ill treatment, neglect, deficient care, property suffering loss or damage, living without care and unable to look after property and or financial affairs.

Validity: Order is valid for 72 hours.
Duration: Detention for up to 7 days in place of safety.
Venue: Applied for to the Sheriff Court.

S294 This order has the same effect as s293, however due to urgency it is not practicable to admit a Sheriff's Hearing, application can be made to a Justice of the Peace.

Validity: Order is valid for 72 hours.
Duration: Detention for up to 7 days in place of safety.
Venue: Applied for via Justice of the Peace.