EXECUTIVE NOTE

The Mental Health Tribunal for Scotland (Practice and Procedures) Rules 2005 SSI/2005/420

The above instrument was made in exercise of the powers conferred by paragraph 10(1) of Schedule 2 of the Mental Health (Care and Treatment) (Scotland) Act 2003 ("the Act"). The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to specify the practice and procedure to be followed in proceedings before the Mental Health Tribunal for Scotland.

The Rules contain:

- introductory provisions which apply to cases before the Tribunal under these Rules;
- rules about applications to the Tribunal under the Act;
- rules about appeals to the Tribunal, under or by virtue of the Act;
- rules about references to the Tribunal under the Act;
- rules about reviews by the Tribunal under the Act;
- rules that may be applied by the Tribunal to cases remitted to the Tribunal by the court under section 324(5)(b)(ii) of the Act for consideration anew; and
- general provisions which apply to cases before the Tribunal under these Rules.

The Rules come into force on 5 October 2005.

Consultation

A public consultation was undertaken along with consultation with the Tribunal sub-group of the Reference Group on the implementation of the Act. The Scottish Committee of the Council on Tribunals were represented on the Tribunal sub-group ensuring that the Council on Tribunals were consulted throughout the drafting of these Tribunal Rules.

Financial Effects

The instrument has no financial effects on the Scottish Executive or any other organisation.

Scottish Executive Health Department
Mental Health Division
August 2005