

*These notes relate to the Mental Health (Care and Treatment) (Scotland)
Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 22 – Appeals

Section 322: appeal to Court of Session against certain decisions of the Tribunal

638. The decisions listed in section 322(1) which apply in relation to orders or directions made in the context of criminal proceedings are to be appealed directly to the Court of Session.
639. For these purposes, the patient, his or her named person, his or her guardian or welfare attorney and the Scottish Ministers may appeal (subsection (2)). Where the decision has been made in relation to detention under conditions of excessive security, the managers of the hospital concerned and the Commission may also appeal (subsection (3)).