

## SCHEDULE 2 THE MENTAL HEALTH TRIBUNAL FOR SCOTLAND

### PART 1

#### MEMBERS OF THE TRIBUNAL ETC.

##### *Terms of office etc.*

- 4 (1) Subject to this paragraph and paragraph 5 below, each member of the Tribunal shall hold office in accordance with the terms of such member's instrument of appointment.
- (2) An appointment as a member of the Tribunal shall, subject to sub-paragraphs (3) and (4) below, last for 5 years.
- (3) A member of the Tribunal—
- (a) may at any time resign office by notice to the Scottish Ministers;
  - (b) shall vacate office on the day on which such member attains the age of 70; and
  - (c) shall vacate office on becoming disqualified from being a member of the Tribunal by virtue of paragraph 1(2) above.
- (4) A member of the Tribunal's appointment shall come to an end upon the member's being removed from office under paragraph 5(1) below.
- (5) A member of the Tribunal whose appointment comes to an end by operation of sub-paragraph (2) above may be reappointed and, except in the circumstances set out in sub-paragraph (6) below, shall be reappointed.
- (6) The circumstances referred to in sub-paragraph (5) above are that—
- (a) the member of the Tribunal has declined that reappointment;
  - (b) the member of the Tribunal is aged 69 or over;
  - (c) the President has made a recommendation to the Scottish Ministers against the reappointment;
  - (d) there has, since the member of the Tribunal was last appointed, been a reduction in the number of members of the panel to which the member belongs required by the Tribunal to discharge its functions;
  - (e) since the member of the Tribunal was last appointed, the member has, without reasonable excuse, failed to comply with the terms of the member's appointment; or
  - (f) the member of the Tribunal does not have such qualifications, training, skills or experience as are for the time being prescribed under paragraph 1(1) above for appointment to the panel to which the member of the Tribunal belongs.