
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 420

The Mental Health Tribunal for Scotland
(Practice and Procedure) Rules 2005

PART II

APPLICATIONS TO THE TRIBUNAL

Compulsion orders

Application by patient etc. for revocation of determination extending compulsion order under section 163 of the Act, for revocation or variation of a compulsion order under section 164 of the Act and under section 120 of the Act for revocation of a certificate under section 114(2) of the Act as applied with modifications by section 177 of the Act

13.—(1) An application for revocation of a determination extending a compulsion order under section 163 of the Act or for revocation and variation of a compulsion order under section 164 of the Act shall be made in writing and shall state—

- (a) the name and address of the applicant;
 - (b) the name and address of the patient;
 - (c) the name and address of the patient's named person;
 - (d) where the patient is detained, the name and address of the hospital where the patient is detained;
 - (e) where the patient is required to reside at a specified place, the address of that specified place; and
 - (f) a brief statement of the reasons for the application.
- (2) The applicant shall sign the application.
- (3) The Clerk shall send notice of the application to—
- (a) the patient;
 - (b) the patient's named person;
 - (c) any guardian of the patient;
 - (d) any welfare attorney of the patient;
 - (e) the mental health officer;
 - (f) the patient's responsible medical officer;
 - (g) the patient's primary carer;
 - (h) any curator *ad litem* appointed in respect of the patient by the Tribunal; and
 - (i) any other person appearing to the Tribunal to have an interest in the application.
- (4) Notice under paragraph (3) shall inform the persons—

- (a) of the case number of the application (which must from then on be referred to in all correspondence relating to the application);
- (b) that the application has been made and the orders sought in the application;
- (c) of the terms of the existing order;
- (d) of the date, time and place of the hearing;
- (e) that they are being afforded the opportunity—
 - (i) of making representations (whether orally or in writing); and
 - (ii) of leading, or producing, evidence.

(5) If a person mentioned in paragraph (3) wishes to make representations (whether orally or in writing) or to lead or produce evidence, that person shall send a notice of response to the Tribunal within 14 days of receipt of the notice under that paragraph or within such other period specified in that notice.

(6) The Clerk shall send a copy of each notice of response to each party.

(7) Rule 11 shall apply to an application under section 120, as applied by section 177, of the Act for revocation of a certificate under section 114(2) of the Act; the reference in paragraph (1) of that rule to section 120 shall be read as a reference to section 120 as modified by section 177 of the Act.