
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 420

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

PART VII
GENERAL RULES

The hearing

Decision of the Tribunal

- 72.—(1) A decision of the Tribunal may be given at the end of the hearing or reserved.
- (2) The decision shall be signed by the Convener and dated.
- (3) The Tribunal shall, as soon as reasonably practicable, send notice of the decision to the parties and such other relevant person as the Tribunal may direct.
- (4) Information in such form as the President may approve, shall be sent with the notice referred to in paragraph (3), explaining any right of appeal against the Tribunal's decision under sections 320 and 322 of the Act, including any time limits which may apply.
- (5) Where a decision has been made by the Tribunal, whether at a hearing or otherwise, the Clerk shall, as soon as reasonably practicable, send a copy of the decision to the Commission and where the case was remitted to the Tribunal by a court, to that court.
- (6) Other than where a decision is made at the end of the hearing, a decision shall be treated as having been made on the date on which it is sent to the parties.
- (7) The Tribunal shall record the decision in a document which contains a full statement of the facts found by the Tribunal and the reasons for the decision.
- (8) Clerical mistakes or errors arising from an accidental slip or omission in the document referred to in paragraph (7), may at any time be corrected by the Convener by certificate in writing.
- (9) If a document is corrected by certificate under paragraph (8), or if a decision is altered in any way by order of an appellate court, the Clerk shall send a notice to each of the parties and to the Commission advising of that change.
- (10) Where this rule requires a document to be signed by the Convener, but the Convener is unable, by reason of death or incapacity to sign it, the document shall be signed by the other members of the tribunal, whom failing the President, who shall certify that the Convener is unable to sign.