

## **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  
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