

This Scottish Statutory instrument supersedes S.S.I. 2005/416 published on 29th August 2005 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 441

MENTAL HEALTH

**The Mental Health (Period for Appeal)
(Scotland) (No. 2) Regulations 2005**

Made - - - - *9th September 2005*
Laid before the Scottish
Parliament - - - - *13th September 2005*
Coming into force - - *5th October 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 324(7) and 326(2)(a) of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Mental Health (Period for Appeal) (Scotland) (No. 2) Regulations 2005 and shall come into force on 5th October 2005.

Specified period

2. The period within which an appeal under section 322(2) (appeal to Court of Session against certain decisions of the Tribunal) of the Mental Health (Care and Treatment) (Scotland) Act 2003 shall be made is 21 days after whichever of the following dates is applicable:—

- (a) the date on which the party was informed of the decision appealed against; or
- (b) if the party has requested a copy of the document mentioned in paragraph 13(3) of schedule 2 to that Act within 7 days of being informed of that decision, the date on which the party receives that document.

Revocation

3. The Mental Health (Period for Appeal) Regulations 2005⁽²⁾ are hereby revoked.

(1) 2003 asp 13. See section 329 for the definition of “regulations”.
(2) S.S.I. 2005/416.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House, Edinburgh
9th September 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace (with amendments to the title of the instrument) the Mental Health (Period for Appeal) Regulations 2005 ([S.S.I. 2005/416](#)) which are revoked by these Regulations. (regulation 3). The content of the Regulations is otherwise the same.

Section 324(7) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”) gives power to the Scottish Ministers to specify the period within which an appeal to the Court of Session under section 322(2) of the Act is to be made. These Regulations specify that period as 21 days.

Paragraph 13(3) of schedule 2 to the Act requires a decision of the Mental Health Tribunal for Scotland to be recorded in a document containing a full statement of the facts found and the reasons for the decision. The period of 21 days is linked in these Regulations either to the date on which the party is informed of the decision or, where the party has requested a copy of the document containing the facts found and reasons for the decision within 7 days of being informed of the decision, the date of receipt of that document.