

EXECUTIVE NOTE

The Mental Health (Period for Appeal) (Scotland) (No. 2) Regulations 2005 SSI/2005/441

The above instrument was made in exercise of the powers conferred by section 324(7) 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 period within which an appeal against certain decisions of the Mental Health Tribunal for Scotland to the Court of Session under section 322(2) of the Act may be made. The period within which an appeal may 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) the date on which the party receives a copy of the document mentioned in paragraph 13(3) of schedule 2 of the Act where the party has requested a copy of that document within 7 days of being informed of the Tribunal’s decision.

These Regulations replace (with amendment to the title of the instrument) the Mental Health (Period of Appeal) Regulations 2005 (SSI 2005/416) which were withdrawn following comments from the Subordinate Legislation Committee suggesting the amendment.

Consultation

In addition to general consultation during the preparation of the Act, we have consulted with the Tribunal sub-group of the Reference Group on the implementation of the Act.

Financial Effects

The instrument has no financial effects on the Scottish Executive or any other organisation.

Scottish Executive Health Department
Mental Health Division
September 2005