



# Mental Health (Scotland) Act 1984

## 1984 CHAPTER 36

### PART XI

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous provisions*

#### **113 Duty of sheriff to give patient opportunity to be heard**

- (1) In any appeal to the sheriff under this Act, or in any proceedings relating to an application for admission to a hospital or for reception into guardianship, the sheriff shall give the patient an opportunity to be heard, either—
  - (a) in person (unless cause to the contrary has been shown); or
  - (b) by means of a representative.
- (2) Where it is established to the satisfaction of the sheriff that it would be prejudicial to the patient's health or treatment if he were present during any such appeal or proceedings, the sheriff may exclude the patient (but not his representative) from the whole or part of that appeal or those proceedings.