



# Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

## MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

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322 Appeal to Court of Session against certain decisions of the Tribunal

323 Suspension of decision of Tribunal pending determination of certain appeals

*Status: Point in time view as at 25/04/2003.*

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324 Appeals: general provisions

**PART 23**

GENERAL

325 Power to prescribe forms

326 Orders, regulations and rules

327 Directions

328 Meaning of “mental disorder”

329 Interpretation

330 Supplementary provisions etc.

331 Minor and consequential amendments, repeals and revocations

332 Transitional provisions etc.

333 Short title and commencement

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SCHEDULE 1 — The Mental Welfare Commission for Scotland  
Part 1 — MEMBERSHIP, PROCEEDINGS ETC.

*Status*

1 The Commission shall not be regarded as the servant or...

*General powers*

2 The Commission may do anything which appears to it to...

*Membership*

3 (1) The Commission shall consist of the following members appointed...

*Terms of office etc.*

4 (1) The provisions of this paragraph apply as respects a...

*Eligibility for reappointment*

5 Subject to paragraph 3(3)(c) above, a person who ceases, otherwise...

*Remuneration, pensions, allowances etc.*

6 The Commission shall pay— (a) to its members (and to...

*Appointment etc. of chief officer and other staff*

7 (1) Subject to sub-paragraphs (2) and (3) below, the Commission—...

*Regulations as to proceedings and delegation of functions*

8 (1) Subject to sub-paragraph (2) below, regulations may make provision...

*Accounts*

9 The following provisions of the National Health Service (Scotland) Act...

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Part 2 — TRANSITIONAL PROVISION

10 (1) The Mental Health (Scotland) Act 1984 (c. 36) shall...

SCHEDULE 2 — The Mental Health Tribunal for Scotland  
Part 1 — MEMBERS OF THE TRIBUNAL ETC.

*Members*

1 (1) The Scottish Ministers shall appoint as members of the...

*Shrieval panel*

2 There shall be a panel consisting of each person who...

*The President*

3 (1) The Scottish Ministers shall appoint a person to be...

*Terms of office etc.*

4 Terms of office etc.

5 (1) A member of the Tribunal may be removed from...

*Remuneration and pensions etc.*

6 (1) The Scottish Ministers may pay, or make provision for...

Part 2 — ORGANISATION AND ADMINISTRATION OF THE TRIBUNAL

*Organisation and administration of the functions of the Tribunal*

7 (1) The functions of the Tribunal shall be discharged by...

*Staff and accommodation*

8 (1) The Scottish Ministers may appoint such staff and provide...

*Finance*

9 Such expenses of the Tribunal as the Scottish Ministers may...

Part 3 — TRIBUNAL PROCEDURE

*Rules*

10 (1) The Scottish Ministers may make rules as to the...

*Practice directions*

11 Subject to rules made under paragraph 10 above the President...

*Evidence*

12 (1) The Tribunal may by citation require any person to...

*Decisions of the Tribunal*

13 (1) Subject to sub-paragraph (2) below, where a decision is...

Part 4 — REPORTS, INFORMATION ETC.

*Status: Point in time view as at 25/04/2003.*

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*Annual report*

- 14 (1) The President shall, in respect of each period of...

*Disclosure of information*

- 15 The President shall, at such times and in respect of...

*Allowances etc. for attendance at hearings of the Tribunal and preparation of reports*

- 16 (1) The Tribunal may pay to any person (other than...

SCHEDULE 3 — Application of Chapter 1 of Part 7 to certain patients

- 1 Section 57(3) of this Act shall have effect as if, ...  
2 (1) Section 64(4)(a)(i) of this Act shall have effect subject ...  
3 Section 65 of this Act shall not have effect.

SCHEDULE 4 — Minor and consequential amendments

*The Social Work (Scotland) Act 1968 (c.49)*

- 1 (1) The Social Work (Scotland) Act 1968 shall be amended...

*The Local Government (Scotland) Act 1973 (c.65)*

- 2 In section 64(5) of the Local Government (Scotland) Act 1973...

*The National Health Service (Scotland) Act 1978 (c.29)*

- 3 In section 102(1) of the National Health Service (Scotland) Act...

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

- 4 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986...

*The Tribunals and Inquiries Act 1992 (c.53)*

- 5 In Part II of Schedule 1 to the Tribunals and...

*The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)*

- 6 In section 4(1) of the Prisoners and Criminal Proceedings (Scotland)...

*The Children (Scotland) Act 1995 (c.36)*

- 7 In section 23(2) of the Children (Scotland) Act 1995 (children...

*The Criminal Procedure (Scotland) Act 1995 (c.46)*

- 8 (1) The Criminal Procedure (Scotland) Act 1995 shall be amended...

*The Adults with Incapacity (Scotland) Act 2000 (asp 4)*

- 9 (1) The Adults with Incapacity (Scotland) Act 2000 shall be...

*The Regulation of Care (Scotland) Act 2001 (asp 8)*

- 10 In section 77(1) of the Regulation of Care (Scotland) Act...

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*The Housing (Scotland) Act 2001 (asp 10)*

- 11 In paragraph 4(6) of schedule 7 to the Housing (Scotland)...

*The Community Care and Health (Scotland) Act 2002 (asp 5)*

- 12 (1) The Community Care and Health (Scotland) Act 2002 shall...

*The Scottish Public Services Ombudsman Act 2002 (asp 11)*

- 13 In schedule 3 to the Scottish Public Services Ombudsman Act...

SCHEDULE 5 — Repeals and revocations

Part 1 — REPEALS

Part 2 — REVOCATIONS

SCHEDULE 6 — Transitory amendments of the Mental Health (Scotland) Act 1984

- 1 Sections 33, 64 and 66 of the Mental Health (Scotland)...
- 2 In section 33 (discharge of patients from hospital), in subsection...
- 3 In section 64 (appeal by patient subject to restriction order)—...
- 4 In section 66 (further consideration of case of conditionally discharged...

**Status:**

Point in time view as at 25/04/2003.

**Changes to legislation:**

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