

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Schedule 2 (Introduced by Section 21): the Mental Health Tribunal for Scotland***

#### **Part 2: organisation and administration of the functions of the Tribunal**

677. [Paragraph 7](#) provides for the functions of the Tribunal to be discharged by such number of tribunals as may be determined from time to time by the President. The President also determines the times and places of Tribunal hearings.
678. Sub-paragraphs (3) and (4) deal with the constitution of the Tribunal when discharging a function. A tribunal will be selected by the President. Ordinarily it will consist of a convener, who will be the President or legal member, a medical member and a general member. In cases where the Tribunal receives an application under section 191 and 192 (restricted patient cases), the convener must be the President or a sheriff convener.
679. (Rules made under paragraph 10 (see paragraph 683 of these Notes) may alter the composition of the Tribunal for particular purposes).
680. The President is responsible for ensuring that the Tribunal discharges its functions efficiently and effectively (sub-paragraph (5)). Sub-paragraph (6) gives the President power to give directions, and issue guidance, about the administration of the Tribunal.
681. [Paragraph 8](#) provides that the Scottish Ministers may appoint staff and make arrangements for their remuneration, pensions etc and provide accommodation for the Tribunal. Sub-paragraphs (3) and (4) of paragraph 8 impose a duty on Health Boards, the State Hospitals Board for Scotland and local authorities to provide hearing venues on request from the President, as far as it is reasonably practicable to do so.
682. [Paragraph 9](#) provides for Scottish Ministers to provide financial resources to meet the Tribunal's expenses.