

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 – the Mental Health Tribunal for Scotland

Section 21: the Mental Health Tribunal for Scotland

35. This section introduces schedule 2 which along with this section makes provision concerning the Tribunal.
36. Subsections (1) and (2) establish the Tribunal. The Tribunal will act as an independent judicial body which will authorise compulsory treatment orders and deal with appeals against and reviews of compulsory treatment orders, short-term detention, compulsion orders and other mental health disposals affecting mentally disordered offenders. The Tribunal substantially replaces the role of the sheriff under previous mental health legislation.
37. The Scottish Ministers may make regulations in connection with the Tribunal (subsection (3)).
38. The composition of the Tribunal and its organisation and procedures are detailed in schedule 2 (see paragraphs 667 to 687 of these Notes). Appeals from the Tribunal to the sheriff principal and the Court of Session are dealt with in Part 22 (see paragraphs 633 to 645 of these Notes).