
Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Paragraph 10 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2 THE MENTAL HEALTH TRIBUNAL FOR SCOTLAND

PART 3

TRIBUNAL PROCEDURE

Rules

- 10 (1) The Scottish Ministers may make rules as to the practice and procedure of the Tribunal.
- (2) Such rules may, without prejudice to the generality of sub-paragraph (1) above, include provision for or in connection with—
- (a) the composition of the Tribunal for the purposes of its discharge of particular functions;
 - (b) where the functions of the Tribunal are being discharged by more than one tribunal—
 - (i) determining by which tribunal any proceedings are to be dealt with; and
 - (ii) transferring proceedings from one tribunal to another;
 - (c) the form of applications to the Tribunal;
 - (d) the recovery and inspection of documents;
 - (e) the persons who may appear on behalf of the parties;
 - (f) enabling specified persons other than the parties to appear or be represented in specified circumstances;
 - (g) requiring specified persons to give notice to other specified persons of specified matters in such form and by such method as may be specified;
 - (h) as to the time within which any notice by virtue of sub-paragraph (g) above shall be given;
 - (i) enabling any matters that are preliminary or incidental to the determination of proceedings to be determined by the convener alone or with such other members of the Tribunal as may be specified;
 - (j) enabling hearings to be held in private;
 - (k) enabling the Tribunal (or the convener, with such other members of the Tribunal as may be specified, as the case may be) to exclude the person to whom the proceedings relate from attending all or part of hearings;
 - (l) enabling specified proceedings or specified matters that are preliminary or incidental to the determination of proceedings to be determined in specified circumstances without the holding of a hearing;
 - (m) enabling the Tribunal to hear and determine concurrently two or more sets of proceedings relating to the same person;
 - (n) the recording, publication and enforcement of decisions and orders of the Tribunal;
 - (o) the admissibility of evidence to the Tribunal;
 - (p) enabling matters to be referred to the Commission;
 - (q) enabling the Tribunal to commission medical and other reports in specified circumstances;

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- (r) requiring specified proceedings, or specified matters that are preliminary or incidental to the determination of proceedings, to be determined, or other specified actions to be taken, within specified periods;
- (s) the circumstances in which a *curator ad litem* may be appointed.

(3) In sub-paragraph (2) above, “specified” means specified in the rules.

Commencement Information

II Sch. 2 para. 10 in force at 3.5.2004 by [S.S.I. 2004/153](#), art. 3, [Sch. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)