

---

*Changes to legislation:* Mental Health (Care and Treatment) (Scotland) Act 2003, Paragraph 5 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 1

#### MEMBERS OF THE TRIBUNAL ETC.

##### *Terms of office etc.*

- 5 (1) A member of the Tribunal may be removed from office only by order of the disciplinary committee constituted under sub-paragraph (3) below.
- (2) The disciplinary committee may order the removal from office of a member of the Tribunal only if, after investigation carried out at the request of the Scottish Ministers, it finds that the member is unfit for office by reason of inability, neglect of duty or misbehaviour.
- (3) The disciplinary committee shall consist of—
- (a) a Senator of the College of Justice or a sheriff principal (who shall preside);
  - (b) a person who is a solicitor or an advocate of at least ten years' standing; and
  - (c) one other person,
- all appointed by the Lord President of the Court of Session.
- (4) Regulations—
- (a) may make provision—
    - (i) enabling the disciplinary committee, at any time during an investigation, to suspend a member of the Tribunal from office; and
    - (ii) as to the effect and duration of such suspension; and
  - (b) shall make such further provision as respects the disciplinary committee (including in particular provision for the procedure of the committee) as the Scottish Ministers consider necessary or expedient.

---

#### Commencement Information

**II** Sch. 2 para. 5 in force at 3.5.2004 by [S.S.I. 2004/153](#), art. 3, [Sch. 2](#)

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Paragraph 5 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.

[View outstanding changes](#)

**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\(3\)](#)