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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Members 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*

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## 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 Tribunal—
- (a) a panel of persons who have such legal—
    - (i) qualifications;
    - (ii) training; and
    - (iii) experience,as may be prescribed in regulations for the purposes of serving as legal members of the Tribunal;
  - (b) a panel of persons who have such qualifications, training and experience—
    - (i) in medicine; and
    - (ii) in the diagnosis and treatment of mental disorder,as may be prescribed in regulations for the purposes of serving as medical members of the Tribunal; and
  - (c) a panel of persons who have—
    - (i) such qualifications, training, skills and experience in caring for, or providing services to, persons having a mental disorder; or
    - (ii) experience of such description,as may be prescribed in regulations for the purposes of serving as general members of the Tribunal.
- (2) A person is disqualified from appointment as, and being, a member of the Tribunal if the person—
- (a) is a member of the Scottish Parliament;
  - (b) is a member of the Scottish Executive or a junior Scottish Minister; or
  - (c) is of such other description as may be prescribed in regulations.

#### Commencement Information

- I1** Sch. 2 para. 1(1)(2)(c) in force at 26.3.2004 for specified purposes by [S.S.I. 2004/153](#), [art. 2](#), [Sch. 1](#)
- I2** Sch. 2 para. 1(1) in force at 1.9.2004 in so far as not already in force by [S.S.I. 2004/367](#), [art. 2](#), [Sch. 1](#)
- I3** Sch. 2 para. 1(2)(a)(b) in force at 3.5.2004 by [S.S.I. 2004/153](#), [art. 3](#), [Sch. 2](#)
- I4** Sch. 2 para. 1(2)(c) in force at 3.5.2004 in so far as not already in force 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\(3\)](#)