
Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading:
The President 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.

The President

- 3 (1) The Scottish Ministers shall appoint a person to be known as the President of the Mental Health Tribunal for Scotland (the “President”).
- (2) The President—
- (a) shall preside over the discharge of the Tribunal’s functions; and
 - (b) may serve as a convener of the Tribunal.
- (3) The Scottish Ministers may not appoint a person to be the President unless that person has such—
- (a) qualifications;
 - (b) training; and
 - (c) experience,
- as may be prescribed by regulations.
- (4) The following provisions of this schedule apply (with the necessary modifications) to the President as they apply to a member of the Tribunal—
- (a) paragraph 1(2);
 - (b) paragraph 4;
 - (c) paragraph 5; and
 - (d) paragraph 6.
- (5) The functions of the President may, if the President is absent or otherwise unable to act, be discharged by one of the members of the panel mentioned in paragraph 1(1) (a) above appointed for that purpose by the Scottish Ministers.
- (6) Regulations may make provision as to the delegation by the President of any of the President’s functions to any of the members of the Tribunal or its staff.
- (7) Regulations made under sub-paragraph (6) above may include provision for different functions to be delegated to different persons for different areas.

Commencement Information

- I1** Sch. 2 para. 3(1)(2)(4)-(7) in force at 3.5.2004 by [S.S.I. 2004/153](#), art. 3, [Sch. 2](#)
- I2** Sch. 2 para. 3(3) in force at 26.3.2004 for specified purposes by [S.S.I. 2004/153](#), art. 2, [Sch. 1](#)
- I3** Sch. 2 para. 3(3) 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\(3\)](#)