
Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Decisions of the Tribunal 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

Decisions of the Tribunal

- 13 (1) Subject to sub-paragraph (2) below, where a decision is to be made by more than one member of the Tribunal, the decision of the Tribunal shall be made by majority.
- (2) If there is a tie, the convener shall have a second vote as a casting vote.
- (3) A decision of the Tribunal shall be recorded in a document which contains a full statement of the facts found by the Tribunal and the reasons for the decision.
- (4) The Tribunal shall—
- (a) inform each party of its decision; and
 - (b) as soon as practicable after [F¹completion] of the document mentioned in sub-paragraph (3) above[F², send a copy] to each party.

Textual Amendments

- F1** Word in sch. 2 para. 13(4)(b) substituted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **sch. 1 para. 32(26)(b)(i)**
- F2** Words in sch. 2 para. 13(4)(b) inserted (27.9.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), art. 1, **sch. 1 para. 32(26)(b)(ii)**

Commencement Information

- I1** Sch. 2 para. 13 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\(3\)](#)