



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 22

APPEALS

322 Appeal to Court of Session against certain decisions of the Tribunal

- (1) This section applies to the following decisions of the Tribunal—
- (a) a decision to make an order revoking a compulsion order under section 193(3) or (4) of this Act;
 - (b) a decision to make an order revoking a restriction order under section 193(5) of this Act;
 - (c) a decision to make an order varying a compulsion order under section 193(6) of this Act;
 - (d) a decision to make an order conditionally discharging a patient under section 193(7) of this Act;
 - (e) a decision, under section 193 of this Act, to make no order under that section;
 - (f) a decision, under section 215(2) of this Act, to make no direction;
 - (g) a decision to make a direction under section 215(3) or (4) of this Act;
 - (h) a decision to make or refuse to make an order under section 219(5) or 220(5) of this Act preventing a transfer or requiring that a transferred patient be returned; and
 - (i) a decision, in relation to a patient who is subject to a restriction order, a hospital direction or a transfer for treatment direction—
 - (i) to make or refuse to make an order under section 264(2), 265(3) or 266(3) of this Act;
 - (ii) under section 267(2) of this Act to recall or refuse to recall an order made under section 264, 265 or 266 of this Act;
 - (iii) to make or refuse to make an order under section 268(2), 269(3) or 270(3) of this Act; or
 - (iv) under section 271(2) of this Act to recall or refuse to recall an order made under section 268, 269 or 270 of this Act.

Status: This is the original version (as it was originally enacted).

- (2) A relevant party to proceedings before the Tribunal may appeal to the Court of Session against a decision to which this section applies.
- (3) Subject to subsection (4) below, in this section “relevant party” means—
- (a) the person to whom the decision relates;
 - (b) that person’s named person;
 - (c) any guardian of the person;
 - (d) any welfare attorney of the person; and
 - (e) the Scottish Ministers.
- (4) Where the appeal is against a decision mentioned in paragraph (i) of subsection (1) above, “relevant party” means—
- (a) the person to whom the decision relates;
 - (b) that person’s named person;
 - (c) any guardian of the person;
 - (d) any welfare attorney of the person;
 - (e) the Commission;
 - (f) the relevant Health Board (within the meaning of section 273 of this Act); and
 - (g) the Scottish Ministers.