
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 324(7) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”) gives power to the Scottish Ministers to specify the period within which an appeal to the Court of Session under section 322(2) of the Act is to be made. These Regulations specify that period as 21 days.

Paragraph 13(3) of schedule 2 to the Act requires a decision of the Mental Health Tribunal for Scotland to be recorded in a document containing a full statement of the facts found and the reasons for the decision. The period of 21 days is linked in these Regulations either to the date on which the party is informed of the decision or, where the party has requested a copy of the document containing the facts found and reasons for the decision within 7 days of being informed of the decision, the date of receipt of that document.