



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

2003 asp 13

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

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7C (1) In appointing Commission Visitors, the Commission must appoint one...

Committees

7D (1) The Commission may establish committees for any purpose relating...

Procedure and meetings

7E (1) The Commission may determine its own procedure and that...

Exercise of certain functions etc.

7F (1) A member of the Commission may not—

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003 is up to date with all changes known to be in force on or before 26 April 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

Delegation of functions

7G (1) The Commission may, subject to sub-paragraphs (2), (3) and...

Mandatory delegation of functions to chief executive

7H (1) The Commission must delegate to the chief executive the...

Location of office

7I The Commission's determination of the location of its office premises...

Regulations as to proceedings and delegation of functions

8 Membership, proceedings

Accounts

9 The following provisions of the National Health Service (Scotland) Act...

Part 2 — TRANSITIONAL PROVISION

10 (1) The Mental Health (Scotland) Act 1984 (c. 36) shall...

Transitional provision: first chief executive

10A (1) The person who, immediately before the coming into force...

Transitional provision: Commissioners

10B Any person who, immediately before the coming into force of...

SCHEDULE 1A — National Confidential Forum
Part 1 — MEMBERS OF NCF ETC.

Membership

1 (1) NCF is to consist of— (a) the NCF Head,...

Membership selection panel

2 (1) The selection panel is to consist of—

NCF staff

3 (1) This paragraph applies where— (a) the Commission proposes, in...

NCF powers and procedure

4 (1) NCF may do anything which appears to it to...

Application of schedule 1 to NCF

5 (1) The provisions of schedule 1 mentioned in sub-paragraph (2)...

Part 2 — DELEGATION OF FUNCTIONS

Delegation by NCF

6 (1) NCF must delegate the NCF functions to the persons...

Part 3 — ELIGIBILITY TO PARTICIPATE IN FORUM

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Eligibility

- 7 (1) NCF may receive testimony from any eligible person whose...
Part 4 — CONDUCT OF HEARINGS ETC.

Testimony given to NCF

- 8 (1) NCF must make provision for receiving testimony under paragraph...

Recording of testimony

- 9 (1) NCF may record testimony and any other information received...

Payment of expenses

- 10 NCF may require the Commission to pay such expenses as...
Part 5 — REPORTING

Reports by NCF

- 11 (1) NCF may prepare— (a) reports based on testimony received,...

Annual NCF reports

- 12 (1) As soon as practicable after 31 March in each...
— CONFIDENTIALITY

Disclosure of information

- 13 (1) This paragraph applies to— (a) the Commission,
Part 7 — GENERAL
14 In this schedule— “ child ” means a person who...

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...

Shrieval panel

- 2 There shall be a panel consisting of each person who...

The President

- 3 (1) The Scottish Ministers shall appoint a person to be...

Terms of office etc.

- 4 (1) Subject to this paragraph and paragraph 5 below, each...
5 (1) A member of the Tribunal may be removed from...

Remuneration and pensions etc.

- 6 (1) The Scottish Courts and Tribunals Service must pay, or...
Part 2 — ORGANISATION AND ADMINISTRATION OF THE TRIBUNAL

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003 is up to date with all changes known to be in force on or before 26 April 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

Organisation and administration of the functions of the Tribunal

7 (1) The functions of the Tribunal shall be discharged by...

Staff and accommodation

8 (1) The Scottish Ministers may appoint such staff and provide...

Finance

9 Such expenses of the Tribunal as the Scottish Ministers may...

Part 3 — TRIBUNAL PROCEDURE

Rules

10 (1) The Scottish Ministers may make rules as to the...

Practice directions

11 Subject to rules made under paragraph 10 above the President...

Evidence

12 (1) The Tribunal may by citation require any person to...

Decisions of the Tribunal

13 (1) Subject to sub-paragraph (2) below, where a decision is...

Withdrawn applications to be disregarded for certain purposes

13A For the purposes of sections 101(3)(c), 189(2)(a)(ii) and (b)(ii) and...

Part 4 — REPORTS, INFORMATION ETC.

Annual report

14 (1) The President shall, in respect of each period of...

Disclosure of information

15 The President shall, at such times and in respect of...

Allowances etc. for attendance at hearings of the Tribunal and preparation of reports

16 (1) The Tribunal may pay to any person (other than...

SCHEDULE 3 — Application of Chapter 1 of Part 7 to certain patients

1 Section 57(3) of this Act shall have effect as if,...

1A In the case of a patient subject to a hospital...

2 (1) Section 64(4)(a)(i) of this Act shall have effect subject...

3 Section 65 of this Act shall not have effect.

SCHEDULE 4 — Minor and consequential amendments

The Social Work (Scotland) Act 1968 (c.49)

1 (1) The Social Work (Scotland) Act 1968 shall be amended...

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003 is up to date with all changes known to be in force on or before 26 April 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

The Local Government (Scotland) Act 1973 (c.65)

- 2 In section 64(5) of the Local Government (Scotland) Act 1973...

The National Health Service (Scotland) Act 1978 (c.29)

- 3 In section 102(1) of the National Health Service (Scotland) Act...

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)

- 4 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986...

The Tribunals and Inquiries Act 1992 (c.53)

- 5 In Part II of Schedule 1 to the Tribunals and...

The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)

- 6 In section 4(1) of the Prisoners and Criminal Proceedings (Scotland)...

The Children (Scotland) Act 1995 (c.36)

- 7 In section 23(2) of the Children (Scotland) Act 1995 (children...

The Criminal Procedure (Scotland) Act 1995 (c.46)

- 8 (1) The Criminal Procedure (Scotland) Act 1995 shall be amended...

The Adults with Incapacity (Scotland) Act 2000 (asp 4)

- 9 (1) The Adults with Incapacity (Scotland) Act 2000 shall be...

The Regulation of Care (Scotland) Act 2001 (asp 8)

- 10 In section 77(1) of the Regulation of Care (Scotland) Act...

The Housing (Scotland) Act 2001 (asp 10)

- 11 In paragraph 4(6) of schedule 7 to the Housing (Scotland)...

The Community Care and Health (Scotland) Act 2002 (asp 5)

- 12 (1) The Community Care and Health (Scotland) Act 2002 shall...

The Scottish Public Services Ombudsman Act 2002 (asp 11)

- 13 In schedule 3 to the Scottish Public Services Ombudsman Act...

SCHEDULE 5 — Repeals and revocations

Part 1 — REPEALS

Part 2 — REVOCATIONS

SCHEDULE 6 — Transitory amendments of the Mental Health (Scotland) Act 1984

- 1 Sections 33, 64 and 66 of the Mental Health (Scotland)...
- 2 In section 33 (discharge of patients from hospital), in subsection...
- 3 In section 64 (appeal by patient subject to restriction order)—...
- 4 In section 66 (further consideration of case of conditionally discharged...

Changes to legislation:

Mental Health (Care and Treatment) (Scotland) Act 2003 is up to date with all changes known to be in force on or before 26 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 3(3)(d) repealed by [2004 asp 7 sch. 2](#)
- s. 3(3)(e) repealed by [2004 asp 7 sch. 2](#)
- s. 36(8)(b) words substituted (temp.) by [2020 c. 7 Sch. 9 para. 3](#)
- s. 44(1) modified (temp.) by [2020 c. 7 Sch. 9 para. 4](#)
- s. 63 modified (temp.) by [2020 c. 7 Sch. 9 para. 5](#)
- s. 77 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 78 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 136(2) modified (temp.) by [2020 c. 7 Sch. 9 para. 6](#)
- s. 136(3) modified (temp.) by [2020 c. 7 Sch. 9 para. 8](#)
- s. 136(6) modified (temp.) by [2020 c. 7 Sch. 9 para. 8](#)
- s. 139 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 140 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 182 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 189 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 206 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 213 suspended by [2020 c. 7 Sch. 9 para. 9](#)
- s. 241(1) modified (temp.) by [2020 c. 7 Sch. 9 para. 10](#)
- s. 299(2) words substituted (temp.) by [2020 c. 7 Sch. 9 para. 7](#)
- Sch. 2 para. 7(3) modified (temp.) by [2020 c. 7 Sch. 9 para. 11](#)

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\(3\)](#)