

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Schedule 2 (Introduced by Section 21): the Mental Health Tribunal for Scotland***

##### **Part 3: Tribunal procedure**

683. **Paragraph 10(1)** enables the Scottish Ministers to make rules about the practice and procedure of the Tribunal. Sub-paragraph (2) lists certain matters that may be included within such rules.
684. **Paragraph 11** confers on the President a power to supplement the rules by making directions about procedure and practice. This power could be exercised in relation to, for example, the allocation of hearing dates.
685. **Paragraph 12** gives the Tribunal power to require by citation any person to attend to give evidence at any hearing or to produce documents held by them. The Tribunal may require a witness to give evidence on oath or to affirm. Non-compliance with a citation without reasonable excuse, is an offence, subject to specified penalties.
686. **Paragraph 13** provides for Tribunal decisions, where made by more than one member, to be made by majority with the convener having a second casting vote in the event of a tie. The Tribunal is required to produce a written document, containing the decision, a full statement of established facts and reasons for the decision. The Tribunal must notify each party of its decision and, on the request of one of the parties, a copy of the written document must be sent to each party.