



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

## 2003 asp 13

### PART 22

#### APPEALS

#### **323 Suspension of decision of Tribunal pending determination of certain appeals**

- (1) Where the Scottish Ministers appeal under section 322(2) of this Act against any decision of the Tribunal under section 193 of this Act, or a decision of the Tribunal to make a direction under section 215(3) or (4) of this Act, the Court of Session may, on the motion of the Scottish Ministers, order—
- (a) that the patient in respect of whom the Tribunal's decision was made shall continue, subject to subsection (2) below, to be detained; and
  - (b) that both the compulsion order and restriction order or, as the case may be, the hospital direction or transfer for treatment direction to which the patient is subject shall continue to have effect accordingly.
- (2) An order under subsection (1) above has the effect of continuing the patient's detention—
- (a) in a case where no appeal is made to the House of Lords against the decision of the Court of Session under section 322(2) of this Act, until the expiry of the time allowed to so appeal to the House of Lords; or
  - (b) in a case where such an appeal is made, until it is abandoned or finally determined.