
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 504

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment (Mental Health (Care and Treatment) (Scotland) Act 2003) 2005

Amendment of the Summary Application Rules

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(1) shall be amended in accordance with sub-paragraph (2).

(2) In Chapter 3, after Part XXIX (risk of sexual harm orders)(2), there shall be inserted the following:—

“PART XXX

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

Interpretation

3.30.1. In this Part “the Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003(3).

Applications for removal orders

3.30.2.—(1) An application under section 293 of the Act (removal order to place of safety) shall be lodged with the sheriff clerk who shall fix a date for hearing the application.

(2) An order fixing a hearing shall be intimated in such manner and within such timescales as may be prescribed by the sheriff.

Applications for recall or variation of removal orders

3.30.3.—(1) An application under section 295 of the Act (recall or variation of removal order) shall be lodged with the sheriff clerk who shall fix a date for hearing the application.

(2) An order fixing a hearing shall be intimated by the sheriff clerk in such manner and within such timescales as may be prescribed by the sheriff.

Remit to Court of Session

3.30.4.—(1) Where the sheriff principal to whom an appeal is made remits the appeal to the Court of Session under section 320 of the Act (appeals), the sheriff clerk shall, within four days

(1) S.I.1999/929. Amended by S.S.I. 2000/148 and 387, 2001/142, 2002/7, 129, 130, 146 and 563, 2003/26, 27, 98, 261, 319, 346 and 556 and 2004/197, 222, 334 and 455 and 2005/61 and 473.
(2) Part XXIX was inserted by S.S.I. 2005/473.
(3) 2003 asp 13.

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after the sheriff principal has pronounced the interlocutor remitting the appeal to the Court of Session, transmit the process to the Deputy Principal Clerk of Session.

- (2) On transmitting the process under paragraph (1), the sheriff clerk shall—
 - (a) send written notice of the remit and transmission of the process to each party; and
 - (b) certify on the interlocutor sheet that he has done so.”.