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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 373**

**MENTAL HEALTH**

**The Mental Health Tribunal for Scotland (Delegation  
of the President's Functions) Regulations 2004**

*Made* - - - - 3rd September 2004  
*Laid before the Scottish  
Parliament* - - - - 6th September 2004  
*Coming into force* - - 28th September 2004

The Scottish Ministers, in exercise of the powers conferred by paragraph 3(6) of schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Mental Health Tribunal for Scotland (Delegation of the President's Functions) Regulations 2004 and shall come into force on 28th September 2004.

(2) In these Regulations—

“the Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003; and

“the President” means the President of the Mental Health Tribunal for Scotland.

**Delegation by the President of his functions**

2.—(1) The President may delegate to any of the members of the Tribunal or its staff the functions conferred on the President by the following provisions in schedule 2 to the Act:—

- (a) paragraph 7(1) (determination of the number of tribunals to discharge the functions of the Tribunal);
- (b) paragraph 7(2) (determination of when and where the Tribunal shall sit);
- (c) paragraph 7(3)(a)(ii) (selection of a member of the panel mentioned in paragraph 1(1)(a) of schedule 2 to the Act);
- (d) paragraph 7(3)(b) (selection of a member from each of the panels mentioned in paragraph 1(1)(b) and (c) of schedule 2 to the Act);

- (e) paragraph 7(4)(b) (selection from the panel mentioned in paragraph 2 of schedule 2 to the Act);
  - (f) paragraph 7(6) (giving of direction and issuing of guidance about the administration of the Tribunal);
  - (g) paragraph 8(3) (request for accommodation for holding of hearings by the Tribunal);
  - (h) paragraph 15 (disclosure of information); and
  - (i) paragraph 16(1) and (2) (payment of allowances for attendance at hearings and preparation of reports).
- (2) The President may delegate to members of the panel mentioned in paragraph 1(1)(a) of schedule 2 to the Act the functions conferred on the President by paragraph 7(4)(a) (Tribunal Convener) of that schedule.

St Andrew's House, Edinburgh  
3rd September 2004

*MALCOLM CHISHOLM*  
A member the Scottish Executive

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”) provides for the delegation by the President of the Mental Health Tribunal for Scotland (“the Tribunal”) of the President’s functions to any of the members of the Tribunal or its staff. Regulation 2(1) of these Regulations provides that the President may delegate the functions conferred on him or her by paragraphs 7(1), 7(2), 7(3)(a)(ii), 7(3)(b), 7(4)(b), 7(6), 8(3), 15, 16(1) and (2) of schedule 2 to the Act to members of the Tribunal or its staff. Regulation 2(2) provides that the President may delegate the functions conferred on him or her by paragraph 7(4)(a) of schedule 2 to the Act to legal members of the Tribunal.