

2005 No. 416

MENTAL HEALTH

The Mental Health (Period for Appeal) Regulations 2005

Made - - - - - *18th August 2005*

Laid before the Scottish Parliament *23rd August 2005*

Coming into force - - - *5th October 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 324(7) and 326(2)(a) of the Mental Health (Care and Treatment) (Scotland) Act 2003(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Mental Health (Period for Appeal) Regulations 2005 and shall come into force on 5th October 2005.

Specified period

2. The period within which an appeal under section 322(2) (appeal to Court of Session against certain decisions of the Tribunal) of the Mental Health (Care and Treatment) (Scotland) Act 2003 shall be made is 21 days after whichever of the following dates is applicable:—

- (a) the date on which the party was informed of the decision appealed against; or
- (b) if the party has requested a copy of the document mentioned in paragraph 13(3) of schedule 2 to that Act within 7 days of being informed of that decision, the date on which the party receives that document.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
18th August 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 324(7) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”) gives power to the Scottish Ministers to specify the period within which an appeal to the Court of Session under section 322(2) of the Act is to be made. These Regulations specify that period as 21 days.

Paragraph 13(3) of schedule 2 to the Act requires a decision of the Mental Health Tribunal for Scotland to be recorded in a document containing a full statement of the facts found and the reasons for the decision. The period of 21 days is linked in these Regulations either to the date on which the party is informed of the decision or, where the party has requested a copy of the document containing the facts found and reasons for the decision within 7 days of being informed of the decision, the date of receipt of that document.

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