
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 519

The Mental Health Tribunal for Scotland
(Practice and Procedure) (No. 2) Rules 2005

PART II

APPLICATIONS TO THE TRIBUNAL

Compulsory treatment orders

Application by patient etc. under section 99 of the Act for revocation of determination extending compulsory treatment order and for revocation or variation of a compulsory treatment order under section 100 of the Act

- 10.**—(1) An application under section 99 or 100 of the Act shall be made in writing.
- (2) The application shall state—
- (a) the name and address of the applicant;
 - (b) the name and address of the patient;
 - (c) the name and address of the patient's named person;
 - (d) where the patient is detained, the name and address of the hospital where the patient is detained;
 - (e) where the patient is required to reside at a specified place, the address of that specified place; and
 - (f) a brief statement of the reasons for the application.

[^{F1}(2A) Where an application is made by virtue of a provision giving a listed initiator authority to act, the listed initiator requirement must be complied with.]

- (3) The applicant shall sign the application.
- (4) The Clerk shall send a copy of the application to the patient's responsible medical officer.
- (5) The Clerk shall send notice of the application to—
- (a) the patient;
 - (b) the patient's named person;
 - (c) any guardian of the patient;
 - (d) any welfare attorney of the patient;
 - (e) the mental health officer;
 - (f) the patient's responsible medical officer;
 - (g) the patient's primary carer;
 - (h) any curator *ad litem*; and
 - (i) any other person appearing to the Tribunal to have an interest in the application.

- (6) Notice under paragraph (5) shall inform the persons–
- (a) of the case number of the application (which must from then on be referred to in all correspondence relating to the application);
 - (b) that the application has been made;
 - (c) of the orders sought in the application;
 - (d) of the terms of the existing compulsory treatment order;
 - (e) of the date, time and place of the hearing; and
 - (f) that they are being afforded the opportunity–
 - (i) of making representations (whether orally or in writing); and
 - (ii) of leading, or producing, evidence.
- (7) If a person mentioned in paragraph (5) wishes to make representations (whether orally or in writing) or to lead or produce evidence, that person shall send a notice of response to the Tribunal within 14 days of receipt of the notice or within such other period specified in the notice.
- (8) The Clerk shall send a copy of each notice of response to each party.

Textual Amendments

- F1** [Rule 10\(2A\)](#) inserted (30.6.2017) by [The Mental Health Tribunal for Scotland \(Practice and Procedure\) \(No. 2\) Amendment Rules 2017 \(S.S.I. 2017/172\)](#), rules 1, **4(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005, Section 10.