
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 519

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

PART VII

GENERAL RULES

Directions

49.—(1) Except as otherwise provide for in these Rules, the Tribunal may at any time, either on the request of a relevant person or on its own initiative, give such directions as the Tribunal considers necessary or desirable to further the overriding objective in the conduct of a case and may in particular—

- (a) direct a relevant person to provide any further particulars or to produce any documents which may reasonably be required;
- (b) direct that a relevant person shall supply a list of documents and a list of witnesses whom that relevant person wishes to call to give evidence at the hearing;
- (c) give directions as to the dates by which any documents or other evidence on which any relevant person wishes to rely shall be sent to the Tribunal;
- (d) give a direction as to the date by which a relevant person shall send any written representations on the case to the Tribunal;
- (e) direct that the parties or the relevant persons should provide a statement of agreed facts;
- (f) give directions restricting the reporting, recording, photography or filming of any hearing;
- (g) give directions as to—
 - (i) any issues on which the Tribunal requires evidence;
 - (ii) the nature of the evidence which the Tribunal requires to decide those issues;
 - (iii) the way in which the evidence is to be led before the Tribunal; and
 - (iv) the exclusion of any evidence which is irrelevant, unnecessary or improperly obtained.

(2) Where a request is made by a relevant person for a direction under paragraph (1), it shall be made in writing specifying the direction sought and the basis for the request.

(3) On receipt of such a request, the Clerk shall intimate the request to the relevant persons inviting them to make written representations within 14 days or such other period as the Tribunal may specify.

(4) The requirement in the foregoing paragraph to intimate a request to the relevant persons does not require intimation to the person who made the request.

(5) Where a party objects to the request, the Tribunal shall consider the objection and, if the Tribunal considers it necessary in order to decide the request, may afford the relevant persons an

opportunity to be heard either by the Convener alone or with such other members as the Tribunal may direct.

(6) The Tribunal shall, in deciding whether to make a direction, consider any representations made.

(7) A direction under this rule may, if appropriate, include a statement of the possible consequences of failure to comply mentioned in rule 51.

(8) A direction made without prior intimation to a relevant person whom it affects shall as soon as reasonably practicable be notified in writing to that relevant person by the Tribunal.