SCOTTISH STATUTORY INSTRUMENTS

2005 No. 519

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

PART VII

GENERAL RULES

The hearing

Procedure

63.—(1) At the beginning of any hearing the Convener shall explain the manner and order of proceedings and the procedure which the Tribunal proposes to adopt.

(2) The Tribunal may, in accordance with the overriding objective, conduct the hearing–

(a) as informally as the circumstances of the case permit; and

(b) in the manner the Tribunal considers–

(i) to be just; and

(ii) most suitable to the clarification and determination of the matters before the Tribunal.

(3) The relevant persons shall be entitled to make representations and to lead or produce evidence.

(4) At any hearing the Tribunal may, if satisfied that it is just and reasonable to do so, permit a relevant person to rely on matters not stated in the application, reference, appeal, review, written representations or notice of response and to lead or produce any evidence not previously notified to the other relevant persons.

(5) Having considered the circumstances of the relevant persons and whether (and to what extent) they are represented, the Convener–

(a) may, in order to assist resolution of any disputed fact, put questions to the relevant persons and to witnesses or may allow another member of the Tribunal to put such questions; and

(b) shall, to the extent the Convener considers it necessary for the just conduct of the hearing, explain any legal terms or expressions which are used.

(6) The Tribunal may require any witness to give evidence on oath or affirmation.

(7) The Tribunal may exclude from the hearing any person who is to appear as a witness in the case until such time as they give evidence if it considers it is fair in all the circumstances to do so.