

**Minutes from a meeting of the Mental Health (Care and Treatment) (Scotland) Act 2003 Steering Group on 19 January 2005:**

- Rules of Procedure. Consultation ended last week with 50 responses received. The big issue is whether hearings should be held in public or private and what the default position should be. In discussion it was noted that:
  - the Tribunal will discuss the care plan - this is a private medical matter
  - issues relating to the deprivation of liberty are usually held in public
  - this raised issues of capacity, the ability to consent and whether the patient fully understands the implications. (The most intimate details of their lives may be revealed)
  - health and safety issues, e.g. where would the public, interested parties or perhaps victims be sited
  - if a member of the Press could be considered an interested party
  - the proposed legislation and current procedures in E & W could prove helpful
  - the HRA (Article 8)

It was suggested that hearings should be held in private, with the person having the right to waive, or that they could comprise both public and private components. Legal advice would be sought from OSSE.