

Document 1 – Word Document

**Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules
2005 – 31 August 2004**

[redacted – legal advice]

Document 2 – Email

Internal consultation response on draft Rules – 10 November 2004

From: [redacted]
Sent: 10 November 2004 12:11
To: [redacted]<[redacted]@scotland.gsi.gov.uk>
Cc: [redacted]<[redacted]@scotland.gsi.gov.uk>
Subject: FW: MHTS rules of procedure

[redacted]

[redacted - out of scope]

[redacted]

-----Original Message-----

From: [redacted]
Sent: 04 November 2004 09:23
To: [redacted – 2 recipients @scotland.gsi.gov.uk]
Subject: FW: MHTS rules of procedure

[redacted - out of scope]

[redacted]

-----Original Message-----

From: [redacted]
Sent: 04 November 2004 09:12
To: [redacted – 18 recipients @scotland.gsi.gov.uk]
Subject: MHTS rules of procedure

[redacted - out of scope]

Attached document:

- Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 3 November 2004:
[redacted – legal advice]

Document 3 - Email

Internal consultation response on draft Rules – 5 November 2004

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 05 November 2004 10:57
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 3 recipients @scotland.gsi.gov.uk]
Subject: Regulations

[redacted],

- [redacted – out of scope]
- In section 44 on the Register might it be a good idea to put in some facilitating clause which gives discretion to the President to release the full decisions upon request, e.g. research or request by MWC?.
- [redacted – out of scope]

[redacted]

Document 4 - Email

Internal consultation response on draft Rules – 8 November 2004

From: [redacted]<[redacted]@scotland.gsi.gov.uk>
Sent: 08 November 2004 13:54
To: [redacted]<[redacted]@scotland.gsi.gov.uk>
Cc: [redacted]<[redacted]@scotland.gsi.gov.uk>
Subject: Procedural Rules comments

Hi,

I've gone through this quickly and can see no area where we would need to change the document prior to consultation.

I have the following general comments however:

[redacted - out of scope]

Paragraph 44 Section 1 – Is the register a book or a system. If it is the system and we scan in the Tribunal hearing decision then could we possibly be contravening Paragraph 42 Section 3?

[redacted]

Document 5 – Word Document

Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – version send out for consultation – 14 November 2004

[redacted - out of scope]

The Register

1.—(1) A register shall be kept at the principal office of the Tribunal and shall be open to the inspection of any person without charge at all reasonable hours.

(2) All decisions of the Tribunal shall be entered in the register, including a summary of the reasons for the decisions.

[redacted - out of scope]

Document 6 – Email

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – consultation response from Mental Health Development Worker (MHCT Act 2003) at Falkirk Council – 22 November 2004

[redacted],

[redacted - out of scope]

25) Rule 44 [p.15] why should the public be allowed to inspect this Register ? This facility is not available with the current Act. Surely Human Rights Act would protect a detainee in terms of rights of privacy?

[redacted - out of scope]

[redacted]

Document 7 – PDF document

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – consultation response from member of Tribunal Rules subgroup

[redacted]

I would particularly wish to draw your attention to my comments on Rules 35 and 44 on which I feel strongly that the privacy of patients requires better protection.

[redacted]

**THE MENTAL HEALTH TRIBUNAL FOR SCOTLAND
(PRACTICE AND PROCEDURE) RULES 2005
RESPONSE TO CONSULTATION**
from
[redacted], FRCPsych

General comment

The regulations appear to cover almost all the relevant issues. However in my view they read too much as a set of regulations for tribunals taken "off the shelf." They are insufficiently tailored to the specific circumstances of mental health tribunals. Many of the issues raised below will illustrate this point. Of particular note in this context are references to "the administration of justice" as a function of the tribunal and the presumption that tribunals will be held in public unless various exceptional conditions are met.

[redacted - out of scope]

Paragraphs 35 and 44

These paragraphs provide that proceedings will be public other than in exceptional circumstances. This is wrong in relation to a mental health tribunal. Proceedings should be in private unless the patient requests otherwise.

[redacted - out of scope]

Similarly, in relation to Paragraph 44, it should not be possible for a member of the public to find out who in the locality is so affected by mental disorder that they are considered to pose a risk to themselves or other people by consulting a public register! Patients are entitled to privacy accorded by ECHR Article 8 in relation to such matters.

It may be argued that a cost of the approach I am suggesting will be that the tribunal process is not open to public scrutiny. This disadvantage will have to be overcome by monitoring of the Tribunal internally and externally (Council on Tribunals) and through the publication of statistical information that does not identify patients.

[redacted - out of scope]

[redacted]
9 December 2004

Document 8 – PDF document

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – consultation response from Psychiatric Medical Advisory Committee representing all psychiatrists working in NHS Grampian - 14 December 2004

[redacted - out of scope]

There are similar concerns about paragraph 44 "The Register". Information held on such a register should be regarded as confidential and not open to inspection by any person.

[redacted]

Document 9 – Word document

Minute on Mental Health Tribunal for Scotland – Impact Of The Freedom Of Information (Scotland) Act 2002 – 18 December 2004

[redacted – legal advice]

Document 10 – PDF file

Consultation on the Mental Health Tribunal For Scotland (Practice & Procedure) Rules 2005 – response from Royal College of Psychiatrists' Mental Health Act Tribunal Group – 5 January 2005

[redacted]

[redacted - out of scope]

Paragraph 44 - The Register

We note the idea that a register would be kept at the principal office of the Tribunal, and would be open to inspection of any person without charge at reasonable hours. We note that decision of the Tribunal would be entered in that register, including a summary of reasons for decisions. We had major concerns about patient confidentiality with this and felt that patients subject to the Tribunal process, may feel uncomfortable about essentially any member of the public being able to come in and scrutinise the records of their Tribunal Hearing.

[redacted - out of scope]

[redacted]

Document 11 – PDF document

**Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 –
consultation response from CAPS The Consultation and Advocacy Promotion
Service - 7 January 2005**

[redacted]

[redacted - out of scope]

10. We are also concerned at the proposal that a Register of Tribunal hearings and decisions will be available to the public. This would enable the media and members of the public to look up the case of a person they suspect has been required to accept treatment under the Mental Health (Care and Treatment) (Scotland) Act 2003. It is expected that a significant number of people will be the subject of Compulsory Treatment Orders in the Community, and providing members of the public with an ability to find out personal information about an individual's care and treatment for mental health breaches that individuals right to privacy, and right to feel safe and protected in their community.

[redacted - out of scope]

[redacted]

Document 12 – PDF document

**Mental Health Tribunal for Scotland (Procedure and Procedure) Rules 2005 –
consultation response from Head of Adult Services, South Lanarkshire
Council – 10 January 2005**

[redacted]

[redacted - out of scope]

There are concerns around both the content and access to the register referenced in section 44 which suggests that the register shall be open to the inspection of any person.

Document 13 – Word document

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 - consultation response from the MHO group in South Ayrshire Council along with legal colleagues – 13 January 2005

[redacted - out of scope]

Generally speaking, we welcomed the fact that there are now more detailed procedural rules, and hopefully this will help the Tribunal in carrying out their functions. These Rules are similar to others dealt with by legal colleagues, eg in employment tribunals and courts. However, there are a number of areas where we have questions.

[redacted - out of scope]

Rule 44 – we have similar strong objections to this measure as to the matters about private vs public hearings. Why are the crucial and detailed decisions relating to a person's health and well-being to be kept on a public register. This is a civil matter involving very personal health and social care information about an individual. What justification is there for this to be open to public scrutiny? We go to reasonable and appropriate lengths to safeguard a person's confidentiality, this undermines that whole process and must infringe on that person's civil and human rights.

[redacted - out of scope]

Document 14 – Word document

Mental Health Tribunal For Scotland (Practice And Procedure) Rules 2005 - consultation response from Greater Glasgow Mental Health Act Health Committee, Tribunal Accommodation Sub Group and The Training Sub Group – 12 January 2005

[redacted]

I am grateful for the opportunity to comment on this legal document which we understand will be laid before the Scottish Parliament. We found it presents a somewhat intimidating read which does not reflect the expressed intent of the Tribunal function as being accessible and open. We would urge that an appendix or guidance should be attached in plain language.

We note that special needs are not only physical and there may also be language requirements such as a need for translated material and interpreters; or a communication impairment which means an individual requires additional support to understand or put their message across.

[redacted - out of scope]

Paragraph 44 (1)

The procedure outlines a register which will be kept in the Principal Office of the Tribunal. This register will be available to the Public. We are very concerned about this register and its availability to the Public which of itself will breach patient confidentiality. We would like to know what level of information will be held on file and what kind of details about the individual case would be accessible to the press and public.

If information on where mentally disordered offenders are placed is made public then this could have repercussions for public order as well as their own safety and could increase media attention and activity.

We understand the need for openness but strongly oppose this proposal.

[redacted - out of scope]

Document 15 – Word document

**Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 –
consultation response from Scottish Association for Mental Health – 13
January 2005**

[redacted - out of scope]

Rule 44

The register of Tribunal decisions *must* be anonymised to protect the identity of the patients and named persons, given the potential stigma and discrimination which people might otherwise face.

Document 16 – Word document

**Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 –
consultation response from BASW MHO Forum – 14 January 2005**

[redacted - out of scope]

The Rules:

There are three major comments that the Forum would like brought to the attention of the drafters of the Rules:

1. [redacted - out of scope]
2. [redacted - out of scope]

3. The Register

Following from the last point, ECHR Article 8, the Register should be anonymised to ensure privacy for the individual.

[redacted - out of scope]

Document 17 – Word Document

**Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 –
consultation response from Dumfries and Galloway Council and NHS Dumfries
and Galloway – 16 January 2005**

[redacted - out of scope]

Rule 44 – it is somewhat surprising that the decisions of the Tribunal will be open to public inspection.

Document 18 – Word Document

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – consultation response from Mental Welfare Commission – 17 January 2005

General comments

The draft Rules read as if they are based on generic rules for existing Tribunals, with adaptations to tailor them to the procedural requirements of the Act. They do not pay adequate regard to the needs of people with mental disorder or reflect the principles of the Act. For example, in the statement of overriding objectives (Rule 2), dealing with a case ‘fairly and justly’ appears to be the prime objective. The notion of the administration of justice appears at various points throughout the Rules. Whilst ‘fairness’ is a concept easily understood in the mental health context, ‘justice’ seems to belong to a different context. It would be easily understood in the criminal field or civil fields, such as employment rights for example; however, it does not seem the most appropriate objective for proceedings involving vulnerable or sick people who have not been accused of an offence or a civil wrong and yet face the loss of their civil rights.

We think that the overriding objectives and, indeed, the underlying principles of the Rules should reflect the special needs of the people whose cases will be considered by the Tribunal. We would agree that an underlying principle/objective of ‘fairness’ is essential. However, we would wish to see ‘justice’ replaced by a principle/objective that reflects a regard for the individual’s human rights and a regard for the principles of the Act.

Other aspects of the Rules also appear to ignore the needs of people with mental disorders, many of whom may be severely disturbed at the point that the Tribunal considers their case. For example, the Rules take little account of issues of clinical confidentiality or risk, and do not adequately address issues of capacity.

These points will be expanded in the detailed comments, which follow.

[redacted - out of scope]

1.1 Rule 44

44(1) We think it is outrageous that the register should be available for public inspection. It offends against principle of clinical confidentiality and the right to privacy under Article 8 of the ECHR. It breaches the Act’s principle of non-discrimination, in that people with physical disorders would not have this information available to the public. It could also increase stigmatisation for people with mental disorders.

For a member of the public to be able to find out whether his or her neighbour has been considered to have a mental disorder and subjected to compulsory powers is a gross invasion of privacy. In some cases it could also lead to harassment and victimisation. For the news

media or insurance companies to have access to this sort of information could also have serious consequences.

[redacted - out of scope]

[redacted]

Document 19 – Word document

**The Mental Health Tribunal For Scotland (Practice And Procedure Rules) 2005
– response from Sheriffs’ Association – 17 January 2005**

[redacted - out of scope]

Rule 44 allows inspection of the register by anybody of the reasons for a decision. This might contravene a patient’s right to privacy and appears to contradict the Act (Schedule II, para 13).

[redacted - out of scope]

Document 20 – Email

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – consultation response from Midlothian Council – 17 January 2005

From: [redacted]<[redacted]@midlothian.gsx.gov.uk>
Sent: 17 January 2005 16:59
To: MentalHealthLaw <mentalhealthlaw@scotland.gsi.gov.uk>
Cc: [redacted]<[redacted]@capsadvocacy.org>; [redacted]<[redacted]@lpct.scot.nhs.uk>; [redacted – 15 recipients @midlothian.gsx.gov.uk]
Subject: Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005

[redacted - out of scope]

I concur whole-heartedly with the responses you have received from the following:

- Joint Programme Manager - Mental Health, City of Edinburgh Council / NHS Lothian Primary & Community Division, Royal Edinburgh Hospital, MacKinnon House, Edinburgh, EH10 5HF
- The Consultation and Advocacy Promotion Service [CAPS], 5 Cadzow Place, Edinburgh, EH7 5SN

Three points in particular stand out for special mention:

1. [redacted - out of scope]
2. [redacted - out of scope]
3. Part VI - I can see no merit in any register or decisions being open to the public free of charge at all reasonable hours. I suggest access should be to specified/prescribed persons only otherwise there is a risk that the information could be misused, leading to further distress or criminal activity. **There is currently no access by the general public to lists of people who have certain convictions and subsequently placed on registers [Schedule 1 Offenders or Sex Offenders] an innocent, but mentally disordered, person should not receive lesser protection?**

[redacted - out of scope]

[redacted]

Document 21 – Word document

Rule 44 – Mental Health Division Consideration

RULE 44

Response Reference	Mental Health Division Consideration
RoP	MHD: No requirement for Tribunal to have a public register. Public register now being reconsidered.

Document 22 – Word document

**Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules
2005 – 19 January 2005**

[redacted – legal advice]

Document 23 – Word document

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – consultation response from Forth Valley JLIP area (a composite response from statutory agencies and also the views of users and carers) – 20 January 2005

[redacted]

[redacted - out of scope]

General comment

As a general comment it is felt that these rules of procedure occasionally employ vague terms for some very crucial matters. This apparent vagueness could lead to difficulties in interpretation and possibly wide variations in practice among Tribunals. A great deal of discretion is afforded to the Tribunal, and again this could lead to uncertainty and inconsistency.

It is common for regulations to be published, and along with them there might be an expectation that guidance or codes of practice would also be published. Again, as a general comment, some of the language used might suggest that these rules are trying to do two things at once – to be both the regulations and also the code of practice. It seems unusual to mix formal rules with on procedure with codes of practice or guidance.

[redacted - out of scope]

Rule 44 (1) Why should the public be allowed to inspect this register? Issues of confidentiality and privacy would be undermined if this were the case.

[redacted - out of scope]

Document 24 – Word document

Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – consultation from the Law Society of Scotland - 21 January 2005

[redacted - out of scope]

General comments

It appears the rules were not specifically drafted to deal with people with mental disorders (in this, they contrast unfavourably with the rules for the Mental Health Tribunals in England and Wales.) To give just one example: Rule 9 provides that if a person is prevented by mental disorder from acting on his/her own behalf someone else can act. This requires to be dealt with in more detail. Most patients coming before the tribunal are likely to have mental disorders but they should still be able to instruct lawyers and appear (unless there is medical evidence that they cannot appear in person).

[redacted - out of scope]

Register

The Committee has similar concerns about the publication of details of tribunal hearings in a public register (Rule 44). It would regard this as possibly incompatible with the patient's right to respect for his/her private life under Article 8 ECHR.

Whilst the Committee understands the need for the Tribunal to keep a register of cases heard, it does not see the need for this to be a public register. For example, court records are exempt from the duties under Section 32 of the Freedom of Information Act 2000. The Committee does not think it is appropriate for this information to be made.

[redacted - out of scope]

Rule 44

See general comments on privacy above. The Committee does not believe it is appropriate for this information to be made public.

[redacted - out of scope]

Document 25 – Word document

**Minute on Mental Health Tribunal for Scotland (Practice and Procedure) Rules
2005 – 15 February 2005**

[redacted – legal advice]

Document 26 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 15 February 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 15 February 2005 11:10
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]
Subject: RE: Tribunal Rules – [redacted – out of scope]

[redacted]

[redacted – legal advice]

[redacted]

Attached document:

- Mental Health Bill Policy Instructions:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 14 February 2005 17:43
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]
Subject: Tribunal Rules – [redacted – out of scope]

[redacted]

[redacted – legal advice]

[redacted]

Document 27 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 15 February 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 15 February 2005 16:42

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]

Subject: Tribunal Rules - suggestions for changes

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 15 February 2005:
[redacted – legal advice]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 19 January 2005:
[redacted – legal advice]

Document 28 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 16 February 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 16 February 2005 15:22
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]
Subject: FW: Tribunal Rules - suggestions for changes

[redacted]

[redacted – legal advice]

[redacted]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 15 February 2005 16:42
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]
Subject: Tribunal Rules - suggestions for changes

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 15 February 2005:
[redacted – legal advice]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 19 January 2005:
[redacted – legal advice]

Document 29 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 1 March 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 01 March 2005 14:33

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]

Subject: FW: Tribunal Rules – [redacted]

[redacted]

[redacted – legal advice]

[redacted]

[redacted – legal advice]

Document 30 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 9 March 2005**

[redacted – legal advice]

Document 31 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 9 March 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 09 March 2005 11:49
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 6 recipients @scotland.gsi.gov.uk]
Subject: RE: Tribunal Rules - suggestions for changes

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 9 March 2005:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 16 February 2005 15:22
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]
Subject: FW: Tribunal Rules - suggestions for changes

[redacted]

[redacted – legal advice]

[redacted]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 15 February 2005 16:42
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 7 recipients @scotland.gsi.gov.uk]
Subject: Tribunal Rules - suggestions for changes

[redacted]

[redacted – legal advice]

[redacted]

Document 32 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 30 March 2005**

[redacted – legal advice]

Document 33 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 30 March 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 30 March 2005 17:08

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted – 2 recipients @scotland.gsi.gov.uk]

Subject: draft tribunal rules

[redacted]

[redacted – out of scope]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 30 March 2005:
[redacted – legal advice]

Document 34 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 5 April 2005**

[redacted – legal advice]

Document 35 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 15 April 2005**

[redacted – legal advice]

Document 36 – Word document

**Minutes on draft Mental Health Tribunal for Scotland (Practice and Procedure)
Rules 2005 – 18 April 2005**

[redacted – legal advice]

Document 37 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 22 April 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 22 April 2005 12:58
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: FW: [redacted – out of scope]

[redacted]

[redacted – out of scope]

[redacted]

Attached document:

- Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 15 April 2005:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 21 April 2005 11:58
To: [redacted – 2 recipients @scotland.gsi.gov.uk]
Subject: [redacted – out of scope]

[redacted]

[redacted – out of scope]

[redacted]

Document 38 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 27 April 2005

From: [redacted]
Sent: 27 April 2005 15:08
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 6 recipients @scotland.gsi.gov.uk]
Subject: FW: Revised tribunal rules

[redacted]

[redacted – out of scope]

[redacted]

-----Original Message-----

From: Ferguson SE (Shirley)
Sent: 18 April 2005 10:07
To: Herd D (David)
Cc: Tyrrell FA (Fiona); Marshall J (Jan); Garland A (Ailsa)
Subject: Revised tribunal rules

[redacted]

[redacted – out of scope]

[redacted]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 18 April 2005:
[redacted – legal advice]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 15 April 2005:
[redacted – legal advice]

Document 39 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 4 May 2005**

[redacted]

Document 40 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 4 May 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 04 May 2005 16:50
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 6 recipients @scotland.gsi.gov.uk>
Subject: RE: Revised tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 4 May 2005:
[redacted – legal advice]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 4 May 2005:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 27 April 2005 15:08
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 6 recipients @scotland.gsi.gov.uk>
Subject: FW: Revised tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 18 April 2005 10:07
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 3 recipients @scotland.gsi.gov.uk>
Subject: Revised tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

Document 41 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 21 June 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 21 June 2005 13:23

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted – 4 recipients @scotland.gsi.gov.uk]

Subject: mental health

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 21 June 2005:
[redacted – legal advice]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 June 2005:
[redacted – legal advice]

Document 42 – Email

Email sending briefing and draft Rules to Deputy Minister for Health and Community Care – 23 June 2006

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 23 June 2005 14:35
To: Deputy Minister for Health and Community Care
<[redacted]@scotland.gsi.gov.uk>
Cc: Cc: [redacted – 9 recipients @scotland.gsi.gov.uk]
Subject: MENTAL HEALTH ACT 2003: TRIBUNAL RULES
Importance: High

[redacted]

[redacted – out of scope]

[redacted]

Attached documents:

- Briefing for Deputy Minister for Health and Community Care on Mental Health Act 2003 Tribunal Rules:
[redacted – out of scope]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 June 2005:
[redacted – legal advice]

Document 43 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 24 June 2005**

[redacted – legal advice]

Document 44 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 24 June 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 24 June 2005 12:47

To: [redacted - 3 recipients @scotland.gsi.gov.uk]

Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>

Subject: The Mental Health Tribunal for Scotland (Practice and Procedure) Rules 20051

[redacted]

[redacted - legal advice]

[redacted]

Attached document:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 23 June 2005:
[redacted – legal advice]

Document 45 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 24 June 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 24 June 2005 15:00

To: [redacted - 3 recipients @scotland.gsi.gov.uk]

Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>

Subject: The Mental Health Tribunal for Scotland (Practice and Procedure) Rules 20051

[redacted]

[redacted - legal advice]

[redacted]

Attached document:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 24 June 2005:
[redacted – legal advice]

Document 46 – Email

Email sending draft of The Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 to external Tribunal subgroup for consultation – 24 June 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 24 June 2005 15:30

To: [redacted] <[redacted]@scotcourts.pnn.gov.uk>; [redacted]@lpct.scot.nhs.uk; [redacted]@btconnect.com; [redacted]@samh.org.uk; [redacted]@blueyonder.co.uk; [redacted]@btconnect.com; [redacted]@cot.gsi.gov.uk; [redacted]@dg-primarycare.scot.nhs.uk; [redacted]@doctors.org.uk; [redacted]@drc-gb.org; [redacted]@ednet.co.uk; [redacted]@glacomen.scot.nhs.uk; [redacted]@glacomen.scot.nhs.uk; [redacted]@mwscot.org.uk; [redacted]@nsfscot.org.uk; [redacted]@tsh.scot.nhs.uk; '[redacted]@which.net' <[redacted]@which.net>

Cc: [redacted - 5 recipients @scotland.gsi.gov.uk]

Subject: RE: Mental Health Legislation Reference Group - Tribunal Sub-Group

[redacted - out of scope]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 24 June 2005:
[redacted – out of scope]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 24 June 2005:

[redacted – out of scope]

Publication

67.—(1) The President must make such arrangements as the President considers appropriate for the publication of Tribunal decisions.

(2) Decisions may be published electronically.

(3) A decision may be published in an edited form, or subject to any deletions, where the President or the Convener considers it appears appropriate bearing in mind—

- (a) the need to safeguard the welfare of a patient or any other person;
- (b) the need to protect the private life of any person;
- (c) any representations on the matter which any party has provided in writing; and
- (d) the effect of any direction under rule 41.

[redacted – out of scope]

Document 47 – Email

Email to President of Mental Health Tribunal for Scotland – 24 June 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 24 June 2005 15:36
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted - 3 recipients @scotland.gsi.gov.uk]
Subject: RULES OF PROCEDURE

[redacted]

[redacted – out of scope]

[redacted]

Attached documents:

- Letter to President of Mental Health Tribunal for Scotland on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 21 June 2005:
[redacted – out of scope]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 24 June 2005:

[redacted – out of scope]

Publication

67.—(1) The President must make such arrangements as the President considers appropriate for the publication of Tribunal decisions.

(2) Decisions may be published electronically.

(3) A decision may be published in an edited form, or subject to any deletions, where the President or the Convener considers it appears appropriate bearing in mind—

- (a) the need to safeguard the welfare of a patient or any other person;
- (b) the need to protect the private life of any person;
- (c) any representations on the matter which any party has provided in writing; and
- (d) the effect of any direction under rule 41.

[redacted – out of scope]

Document 48 – Email

Email sending briefing and draft Rules to Deputy Minister for Health and Community Care – 24 June 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 24 June 2005 15:57

To: Deputy Minister for Health and Community Care
<[redacted]@scotland.gsi.gov.uk>

Cc: Cc: [redacted – 9 recipients @scotland.gsi.gov.uk]

Subject: Mental Health Act Tribunal Rules Briefing for meeting with the President on 27 June 2005 1.0 (#1)

Importance: High

[redacted]

[redacted – out of scope]

[redacted]

Attached documents:

- Briefing for Deputy Minister for Health and Community Care on Mental Health Act 2003 Tribunal Rules:
[redacted – out of scope]
- Minute for Deputy Minister for Health and Community Care on Mental Health Act 2003 Tribunal Rules:
[redacted – out of scope]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 24 June 2005:

[redacted – out of scope]

Publication

67.—(1) The President must make such arrangements as the President considers appropriate for the publication of Tribunal decisions.

(2) Decisions may be published electronically.

(3) A decision may be published in an edited form, or subject to any deletions, where the President or the Convener considers it appears appropriate bearing in mind—

- (a) the need to safeguard the welfare of a patient or any other person;
- (b) the need to protect the private life of any person;
- (c) any representations on the matter which any party has provided in writing; and
- (d) the effect of any direction under rule 41.

[redacted – out of scope]

Document 49 – Email

Internal comment on draft Rules – 1 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 01 July 2005 15:13
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: FW: Tribunal Rules

[redacted]
More from [redacted] on the rules
[redacted]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 29 June 2005 08:16
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: Tribunal Rules

[redacted]

[redacted – out of scope]

67 is extremely alarming as written
Could there not be some reference to anonymity as all the legalese about deletions
will not offer the reassurance to serice users that the later paragraph is clearly trying
to provide.

[redacted – out of scope]

[redacted]

Document 50 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 4 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 04 July 2005 12:00

To: [redacted - 3 recipients @scotland.gsi.gov.uk]

Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>

Subject: Tribunal- [redacted – out of scope]

Importance: High

Sensitivity: Confidential

[redacted – legal advice]

[redacted]

Attached document:

- Note on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 4 July 2005:
- [redacted – legal advice]

Document 51 – Word document

**Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules
2005 – 5 July 2005**

[redacted – legal advice]

Document 52 – Word document

**Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules
2005 – 5 July 2005**

[redacted – legal advice]

Document 53 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 05 July 2005 12:12

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>

Subject: tribunal rules-next draft

[redacted]

[redacted – legal advice]

[redacted]

Attached document:

- Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 July 2005:
[redacted – legal advice]

Document 54 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 05 July 2005 16:00

To: [redacted - 3 recipients @scotland.gsi.gov.uk]

Subject: Tribunal Note [redacted – out of scope]

Importance: High

Sensitivity: Confidential

[redacted – legal advice]

[redacted]

Attached document:

- Note on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 4 July 2005:
[redacted – legal advice]

Document 55 – Email

Email to Tribunal subgroup members with draft Rules for comment – 7 July 2005

From: MentalHealthLaw <mentalhealthlaw@scotland.gsi.gov.uk>

Sent: 07 July 2005 13:26

To: [redacted] <[redacted]@tsh.scot.nhs.uk>; [redacted] <[redacted]@cot.gsi.gov.uk>; [redacted] <[redacted]@scotcourts.gov.uk>; [redacted] <[redacted]@mwscot.org.uk>; [redacted] [redacted]@btconnect.com>; [redacted] <DHall@dg-primarycare.scot.nhs.uk>; [redacted] <[redacted]@nsfscot.org.uk>; [redacted] <[redacted]@samh.org.uk>; [redacted] <[redacted]@btconnect.com>; [redacted] <[redacted]@doctors.org.uk>; [redacted] <[redacted]@lpct.scot.nhs.uk>; [redacted] <[redacted]@blueyonder.co.uk>; [redacted] <[redacted]@scotland.gsi.gov.uk>; [redacted] <[redacted]@ednet.co.uk>; [redacted] <[redacted]@glacomen.scot.nhs.uk>; [redacted] <[redacted]@glacomen.scot.nhs.uk>; [redacted] <[redacted]@drc-gb.org>

Cc: [redacted - 4 recipients @scotland.gsi.gov.uk]

Subject: Mental Health Tribunal - Draft Rules of Procedure

To: Mental Health Legislation Reference Group - Tribunal Sub-Group Members

In order to assist members who wish to comment on the draft Tribunal Rules issued on 24 June 2005 the attached table has been produced containing comments made before and at the meeting of the sub-group held on 28 June.

[redacted – out of scope]

Attached document:

Draft Tribunal Rules 24 June 2005 – comments:

ITEM	RULE	COMMENT
[redacted – out of scope]		
45	67	Could there not be some reference to anonymity as all the legalese about deletions will not offer the reassurance to service users that the later paragraph is clearly trying to provide?
[redacted – out of scope]		

Document 56 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 7 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 07 July 2005 16:24
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 2 recipients @scotland.gsi.gov.uk]
Subject: FW: tribunal rules-next draft

[redacted]

[redacted - legal advice]

[redacted]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 05 July 2005 12:12
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: tribunal rules-next draft

[redacted]

[redacted - legal advice]

[redacted]

Attached document:

- Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 July 2005:
[redacted – legal advice]

Document 57 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 7 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 07 July 2005 16:35

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted – 2 recipients @scotland.gsi.gov.uk]

Subject: Tribunal rules- continuing revision

[redacted]

[redacted - legal advice]

[redacted]

Attached document:

- Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 July 2005:
[redacted – legal advice]

Document 58 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 8 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 08 July 2005 11:02
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted – 2 recipients @scotland.gsi.gov.uk]
Subject: RE: tribunal rules-next draft

[redacted]

[redacted - legal advice]

[redacted]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 05 July 2005 12:12
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: tribunal rules-next draft

[redacted]

[redacted - legal advice]

[redacted]

Attached document:

- Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 July 2005:
[redacted – legal advice]

Document 59 – Word document

**Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules
2005 – 11 July 2005**

[redacted – legal advice]

Document 60 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 11 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 11 July 2005 13:20

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted - 4 recipients @scotland.gsi.gov.uk]

Subject: Tribunal Rules - Policy Instructions

[redacted]

[redacted - legal advice]

[redacted]

Attached documents:

- Draft Rules 24 June 2005 Comments – Policy Instructions - 6 July 2005:
[redacted – legal advice]
- Draft Tribunal Rules – Comments - 24 June 2005:
[redacted – legal advice]

Document 61 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 12 July 2005

From: Ferguson SE (Shirley)

Sent: 12 July 2005 11:31

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted - 4 recipients @scotland.gsi.gov.uk]

Subject: Tribunal rules

Importance: High

[redacted]

[redacted - legal advice]

[redacted]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 12 July 2005:
[redacted – legal advice]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 11 July 2005:
[redacted – legal advice]

Document 62 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 13 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 13 July 2005 18:59
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted - 4 recipients @scotland.gsi.gov.uk]
Subject: RE: Tribunal Rules

[redacted]

[redacted - legal advice]

[redacted]

Attached document:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 14 July 2005:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 13 July 2005 15:46
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted - 4 recipients @scotland.gsi.gov.uk]
Subject: Tribunal Rules

[redacted]

[redacted - legal advice]

[redacted]

Document 63 – Word document

**Draft of the Mental Health Tribunal for Scotland (Practice and Procedure) Rules
2005 – 14 July 2005**

[redacted – legal advice]

Document 64 – PDF document

‘Policy Instructions’ from President of Mental Health Tribunal for Scotland – 19 July 2005

Policy Document for the Framing of Rules of Procedure in respect of Mental Health Care and Treatment Act 2003:

Background :

1. The Rules should at all times be Human Rights compliant particularly with regard to rights of privacy in relation to both patients and their families.

[redacted – out of scope]

14. Reference is made in Rule 66 to "the register". This is not referred to anywhere else in the Rules. Neither does it appear in the interpretation section. In the original rules put out for consultation there was reference to a public register of cases heard by the Tribunal . This caused very considerable disquiet amongst those consulted . I am assuming that this is no longer part of the mental health department's policy and it should not be referred to in the rules .

[redacted – out of scope]

Document 65 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 29 July 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 29 July 2005 15:24
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted - 3 recipients @scotland.gsi.gov.uk]
Subject: Tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Minute on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 21 June 2005:
[redacted – legal advice]
- Proposed amendments of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 14 July 2005:
[redacted – legal advice]
- 'Policy Instructions' from President of Mental Health Tribunal for Scotland – 19 July 2005:

Policy Document for the Framing of Rules of Procedure in respect of Mental Health Care and Treatment Act 2003:

Background :

1. The Rules should at all times be Human Rights compliant particularly with regard to rights of privacy in relation to both patients and their families.

[redacted – out of scope]

14. Reference is made in Rule 66 to "the register". This is not referred to anywhere else in the Rules. Neither does it appear in the interpretation section. In the original rules put out for consultation there was reference to a public register of cases heard by the Tribunal . This caused very considerable disquiet amongst those consulted . I am assuming that this is no longer part of the mental health department's policy and it should not be referred to in the rules .

[redacted – out of scope]

Document 66 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 28 July 2005**

[redacted – legal advice]

Document 67 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 2 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 02 August 2005 11:17
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: rules

[redacted]

[redacted – out of scope]

[redacted]

Attached document:

- Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 28 July 2005:
[redacted – legal advice]

Document 68 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 2 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 04 August 2005 12:11
To: [redacted - 2 recipients @scotland.gsi.gov.uk]
Subject: FW: mhts rules

[redacted]

[redacted – out of scope]

[redacted]

Attached document:

- Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 28 July 2005:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@yahoo.co.uk>
Sent: 04 August 2005 11:49
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: mhts rules

[redacted]

[redacted – out of scope]

[redacted]

Document 69 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 2 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 04 August 2005 14:08
To: [redacted] <[redacted]@which.net>
Subject: RE: Tribunal rules

[redacted]

[redacted – out of scope]

[redacted]

Attached document:

- Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 28 July 2005:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@which.net>
Sent: 04 August 2005 13:53
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: RE: Tribunal rules

[redacted]

[redacted – out of scope]

[redacted]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 04 August 2005 09:36
To: [redacted]@scotcourts.pnn.gov.uk; [redacted]@lpct.scot.nhs.uk;
[redacted]@btconnect.com; [redacted]@samh.org.uk; [redacted]@blueyonder.co.uk;
[redacted]@btconnect.com; [redacted]@cot.gsi.gov.uk; [redacted]@dg-
primarycare.scot.nhs.uk; [redacted]@doctors.org.uk; [redacted]@drc-gb.org;
[redacted]@ednet.co.uk; [redacted]@glacomen.scot.nhs.uk;
[redacted]@glacomen.scot.nhs.uk; [redacted]@mwcscot.org.uk;
[redacted]@nsfscot.org.uk; [redacted]@tsh.scot.nhs.uk; [redacted]@which.net
Cc: [redacted - 5 recipients @scotland.gsi.gov.uk];
mentalhealthlaw@scotland.gsi.gov.uk
Subject: Tribunal rules

[redacted – out of scope]

[redacted]

Document 70 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 05 August 2005 10:36

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted - 2 recipients @scotland.gsi.gov.uk]

Subject: Tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 1 August 2005:
[redacted – legal advice]

Document 71 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 05 August 2005 15:49
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: Tribunal rules

[redacted – out of scope]

[redacted]

Attached document:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 1 August 2005:
[redacted – legal advice]

Document 72 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 5 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 09 August 2005 10:24
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted - 2 recipients @scotland.gsi.gov.uk]
Subject: tribunal rules
Importance: High

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 8 August 2005:
[redacted – legal advice]

Document 73 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 9 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 09 August 2005 17:22

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted - 2 recipients @scotland.gsi.gov.uk]

Subject: rules e-mail 09 august

[redacted]

[redacted – out of scope]

[redacted]

Attached documents:

- Comments on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 from 8 August 2005:
[redacted – legal advice]

Document 74 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 10 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 10 August 2005 11:59

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted - 3 recipients @scotland.gsi.gov.uk]

Subject: draft tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 10 August 2005:
[redacted – legal advice]

Document 75 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 11 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 11 August 2005 14:46

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted - 3 recipients @scotland.gsi.gov.uk]

Subject: draft tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 11 August 2005:
[redacted – legal advice]

Document 76 – Email

Email to Tribunal subgroup members with draft Rules for comment – 12 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 12 August 2005 15:40

To: [redacted] <[redacted]@scotcourts.pnn.gov.uk>; [redacted] <[redacted]@lpct.scot.nhs.uk>; [redacted] <[redacted]@btconnect.com>; [redacted] <[redacted]@samh.org.uk>; [redacted] <[redacted]@blueyonder.co.uk>; [redacted] <[redacted]@btconnect.com>; [redacted] <[redacted]@cot.gsi.gov.uk>; [redacted] <[redacted]@dg-primarycare.scot.nhs.uk>; [redacted] <[redacted]@doctors.org.uk>; [redacted] <[redacted]@drc-gb.org>; [redacted] <[redacted]@ednet.co.uk>; [redacted] <[redacted]@glacomen.scot.nhs.uk>; [redacted] <[redacted]@glacomen.scot.nhs.uk>; [redacted] <[redacted]@mwscot.org.uk>; [redacted] <[redacted]@nsfscot.org.uk>; [redacted] <[redacted]@tsh.scot.nhs.uk>; [redacted] <[redacted]@which.net>; [redacted] <[redacted]@scotland.gsi.gov.uk>; [redacted] <[redacted]@scotland.gsi.gov.uk>; [redacted] <[redacted]@mwscot.org.uk>

Cc: [redacted - 4 recipients @scotland.gsi.gov.uk]

Subject: MH Tribunal Rules

[redacted – out of scope]

[redacted]

Attached documents:

- Minute to Tribunal subgroup members on draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 12 August 2005:
[redacted – out of scope]
- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 June 2005:

[redacted – out of scope]

Publication

67.--(1) The President must make such arrangements as the President considers appropriate for the publication of Tribunal decisions.

(2) Decisions may be published electronically.

(3) A decision may be published in an edited form, or subject to any deletions, where the Convener considers it appropriate bearing in mind—

- (a) the need to safeguard the welfare of a patient or any other person;
- (b) the need to protect the private life of any person;
- (c) any representations on the matter which any relevant person has provided in writing.

(4) A decision of the Tribunal, shall be published in such a manner as to protect the anonymity of the patient.

[redacted – out of scope]

Document 77 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 16 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 16 August 2005 11:32
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: RE: rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 16 August 2005:
[redacted – legal advice]

-----Original Message-----

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 16 August 2005 10:17
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: rules

[redacted]

[redacted – legal advice]

[redacted]

Document 78 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 16 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 16 August 2005 16:08

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Cc: [redacted] <[redacted]@scotland.gsi.gov.uk>

Subject: draft- updated

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 16 August 2005:
[redacted – legal advice]

Document 79 – Word document

**Draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005
– 17 August 2005**

[redacted – legal advice]

Document 80 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 17 August 2005 13:43
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Cc: [redacted - 2 recipients @scotland.gsi.gov.uk]
Subject: Tribunal rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 August 2005:
[redacted – legal advice]

Document 81 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>
Sent: 17 August 2005 14:33
To: [redacted] <[redacted]@scotland.gsi.gov.uk>
Subject: rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 August 2005:
[redacted – legal advice]

Document 82 – Email

Discussion of draft Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 August 2005

From: [redacted] <[redacted]@scotland.gsi.gov.uk>

Sent: 17 August 2005 17:05

To: [redacted] <[redacted]@scotland.gsi.gov.uk>

Subject: revised rules

[redacted]

[redacted – legal advice]

[redacted]

Attached documents:

- Draft of Mental Health Tribunal for Scotland (Practice and Procedure) Rules 2005 – 17 August 2005:
[redacted – legal advice]