

Further Information (cont)

Advise of others you intend to bring along to the hearing, indicating their position / relationship to the patient

Empty box for providing information about others to be brought to the hearing.

If, in your view, the patient requires a Curator Ad Litem, please indicate this here and give your reasons

Empty box for indicating if a Curator Ad Litem is required and providing reasons.

Application for Recall

I, the applicant named above, apply for the recall of the order made by the Mental Health Tribunal for Scotland under

- Section 264(2) Section 265(3) (State hospital)
- Section 268(2) Section 269(3) (Hospital other than state hospital)

dated / /

for the following reasons:

1	
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Signed
by Applicant

Empty box for the applicant's signature.

Date
dd / mm / yyyy

/ /



Determination of Application for Recall under Section 267(2) or 271(2) of the Act

Hearing Details

The hearing to consider an application for recall under section 267 section 271

of the Act was heard on: Date / / / / /

Before the following Tribunal members -

Convener

Medical

General

Hearing Address

Postcode

Representation / Evidence

Before determining the application, the Mental Health Tribunal for Scotland afforded the persons mentioned in sections 264(10) / 268(10) of the Act the opportunity to: make representations (whether orally or in writing); and leading, or producing evidence. The Tribunal heard from:

- The patient
- The patient's named person
- The relevant Health Board
- The patient's RMO
- The managers of the hospital in which the patient is detained
- The MHO
- Any guardian of the patient
- Any welfare attorney of the patient
- Any curator ad litem appointed in respect of the patient by the Tribunal
- The Mental Welfare Commission
- In the case of a relevant patient, the Scottish Ministers
- Any other person appearing to the Tribunal to have an interest (list below)

2	
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Tribunal Determination

Complete the appropriate option

A: Recall - Tribunal is satisfied with level of security

- State hospital S267(2)** - The Mental Health Tribunal for Scotland is satisfied that the patient requires to be detained under conditions of special security that can be provided only in a state hospital, and recalls the order
Or
- Hospital other than state hospital S271(2)** - The Mental Health Tribunal for Scotland is satisfied that the level of security at the hospital in which the patient is being detained is not excessive in the patient's case and recalls the order.

B: Recall on other grounds

- The Mental Health Tribunal for Scotland recalls the order on the following grounds:

3

C: Application is refused

- State hospital** - The Mental Health Tribunal for Scotland is satisfied that the patient does not require to be detained under conditions of special security that can be provided only in a state hospital, and DOES NOT recall the order
Or
- Hospital other than state hospital** - The Mental Health Tribunal for Scotland is satisfied that the detention of the patient in the hospital in which they are being detained involves the patient being subject to a level of security that is excessive in the patient's case and DOES NOT recall the order

Signature / Date

Signed
by Convener

Date
dd / mm / yyyy

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