





**Record of Order made under Section 264(2) or Section 268(2) of the Act**

**Hearing Details**

A hearing to consider whether the patient is being detained under conditions of excessive security 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)

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**Determination**

Complete A or B as appropriate

**A: Application is Allowed**

The Mental Health Tribunal for Scotland declares that the patient IS being detained in conditions of excessive security;

- State hospital - S264(2)** - the Tribunal 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 makes an Order under section 264(2).

**Or**

- Hospital other than state hospital - S268(2)** the Tribunal 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 makes an Order under section 268(2).

The Mental Health Tribunal for Scotland specifies a period of:

**Note: this must NOT exceed three months**

from the date of this order (see below) during which the duties under section 264(3) to (5) or 268(3) to (5) of the Act (as applicable) shall be performed by

Health Board: **NHS**

(the relevant Health Board under Section 273 or the Act and associated regulations)

**B: Application is Refused**

The Mental Health Tribunal for Scotland declares that the patient IS NOT being detained in conditions of excessive security;

- State hospital** - the Tribunal is satisfied that the patient requires to be detained under conditions of special security that can be provided only in a state hospital.

**Or**

- Hospital other than state hospital** - the Tribunal 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.

**Signature / Date**

Signed by the Convener

Date dd / mm / yyyy

**Note:** The Order should be sent to the relevant Health Board, and where the patient is a "relevant patient", it should be copied to Scottish Ministers. All orders should be copied to the Mental Welfare Commission.

