

Record of Order made under Section 265(3) or Section 269(3) of the Act

Hearing Details

A further hearing to consider whether the patient is being detained under conditions of excessive security was heard on

Date / /
dd / mm / yyyy

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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Tribunal Determination

Complete the appropriate option

A: Tribunal makes an order under section 265(3) or 269(3)

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

- State hospital - S265(3)** - 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 265(3).

Or

- Hospital other than state hospital - S269(3)** - 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 269(3).

The Mental Health Tribunal for Scotland specifies

- a period of 28 days
- a period of

(Note: between 28 days and 3 months)

from the date of this order (see below) during which the duties under sections 265(4) to 265(6) or 269(4) to 269(6) of the Act (as applicable) shall be performed by:

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

B: No order is made

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 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 also be copied to the Mental Welfare Commission.

