



**Reference / Application Details**

The Mental Health Tribunal for Scotland received the reference / application on:

Date   /   /

from

- Scottish Ministers (reference under s210, s211, or s213)
- the patient (application under section 214)
- the patient's named person (application under section 214)
- the patient's guardian (application under section 214)
- the patient's welfare attorney (application under section 214)
- the patient's primary carer (application under section 214)
- the patient's nearest realtive (application under section 214)

- Where the patient's named person made the application, the patient's named person has confirmed that they have given notice to the patient of the making of the application.

Previous application(s) under section 214 relating to this direction were made by:

<input type="text"/>	on the following date	<input type="text"/>
<input type="text"/>	on the following date	<input type="text"/>
<input type="text"/>	on the following date	<input type="text"/>

**Hearing Details**

A hearing to consider the above reference / application / appeal was heard on

Date dd / mm / yyyy   /   /

Before the following Tribunal members -

Convener

Medical

General

Hearing Address

Postcode



## Hearing Details (cont)

Before determining the reference, the Mental Health Tribunal for Scotland afforded the persons mentioned in section 215(7) of the Act the opportunity to make representations (whether orally or in writing), and to lead or produce evidence. Evidence was provided by:

- Patient
- Patient's RMO
- Patient's Named Person
- Patient's primary carer
- Guardian of the patient
- Scottish Ministers
- Welfare Attorney of patient
- Curator Ad Litem
- Patient's MHO
- Any other person appearing to the Tribunal to have an interest (list below)

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## DETERMINATION

To be completed by Mental Health Tribunal for Scotland

*Shade appropriate option (A, B or C)*

### A: complete where - Tribunal does NOT make a direction

- The Mental Health Tribunal for Scotland is satisfied:
  - (a) that the patient has a mental disorder; and
  - (b) that, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment,and makes no direction to the Scottish Ministers.

### B: complete where - Tribunal makes an order under section 215(3)

- The Mental Health Tribunal for Scotland is NOT satisfied that the patient has a mental disorder; and makes an order directing the Scottish Ministers to revoke the direction to which the patient is subject

### C - complete where - Tribunal makes an order under section 215(4)

- The Mental Health Tribunal for Scotland is satisfied that the patient has a mental disorder; but is NOT satisfied
  - (i) that, as a result of the patient's mental disorder, it is necessary, in order to protect any other person from serious harm, for the patient to be detained in hospital, whether or not for medical treatment; and
  - (ii) that the conditions mentioned in paragraphs (b) and (c) of section 182(4) of the Act continue to apply in respect of the patient,and makes an order directing the Scottish Ministers to revoke the direction to which the patient is subject

**Part 1b: Advance Statement (only complete if the patient remains subject to the direction)**

Complete A, B or C as appropriate

**A**  As far as is practicable to ascertain, the patient does not have an advance statement under S275 of the Act.

**OR**

**B**  As far as is practicable to ascertain: the patient has made and not withdrawn an advance statement under S275 of the Act; and the patient's current/proposed care and treatment are NOT in conflict with any wishes specified in that advance statement.

**OR**

**C**  The patient has made and not withdrawn an advance statement under S275 of the Act. This advance statement IS in conflict with current/proposed care and treatment authorised by the direction to which the patient is subject. Please record in the box below:

- The date of the advance statement(s).
- Details of treatment that is in conflict with the advance statement and how.
- Where the conflict with the advance statement concerns treatment the patient specified wishes to receive, that they are not receiving, please provide details of this.
- Reasons for making no direction to the Scottish Ministers, thus allowing this treatment to be given/not given, despite the conflict with the advance statement, with reference to the Principles of the Act.

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Where the treatment is in conflict with the advance statement, a record of the above has been sent to:

- the patient
- the patient's welfare attorney
- the patient's named person (if any)
- the patient's guardian
- the Mental Welfare Commission (a copy of this form and any other record which has been sent to the patient/ others)

**Signature / Date**

Signed  
by Convenor

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Date  
dd / mm / yyyy

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