

MENTAL HEALTH TRIBUNAL FOR SCOTLAND

PRACTICE DIRECTION No. 1/2010

CITATION OF WITNESSES – PAYMENT OF EXPENSES

1. Rule 61 of the Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005 (“the Rules”) makes provision for the citation of witnesses.
2. Rule 61(1) provides that the Tribunal may, on the written request of any relevant person (defined in rule 2(1) of the Rules) or on its own initiative, send a citation to a person requiring that that person attends as a witness.
3. Rule 61(4)(b) provides that no person shall be required to attend as a witness in compliance with a citation unless the necessary expenses of that person’s attendance are paid or tendered to them by the relevant person who requested their attendance or by the Tribunal, as the President shall direct.
4. Where the Tribunal has cited the witness on the request of any relevant person, the necessary expenses of the witness’s attendance are to be paid to them by the relevant person who requested their citation.
5. Where the Tribunal has cited the witness on its own initiative, the necessary expenses of that person’s attendance are to be paid to them by the Tribunal.
6. Any query the Administration has in relation to a claim for expenses relating to a person cited to attend by the Tribunal on its own initiative should be referred to the President’s Office for advice.

A handwritten signature in black ink, reading "Joe Morrow". The signature is written in a cursive style with a horizontal line underneath the name.

Dr J J Morrow
President

9 March 2010