



## **MHTS PRACTICE DIRECTION 1/2007**

### **ISSUING OF REASONS WHERE INTERIM COMPULSORY TREATMENT ORDER IS MADE**

Paragraph 13(3) of Schedule 2 to the 2003 Act provides that a decision of the Tribunal shall be recorded in a document which contains a full statement of the facts found by the Tribunal and the reasons for the decision. This requirement is repeated in rule 72(7) of the Mental Health Tribunal for Scotland (Practice and Procedure) (No.2) Rules 2005 (“the Rules”).

A copy of the document referred to in paragraph 13(3) requires to be sent to each party as soon as practicable after completion (see paragraph 13(4) of Schedule 2 to the 2003 Act and rule 72(3) of the Rules.

There is a statutory right to appeal a decision to make an interim compulsory treatment order under section 65(2) of the 2003 Act (see section 320(1)(c) of the 2003 Act).

In the light of the above provisions where a Tribunal makes an interim order under section 65(2) of the 2003 Act the Tribunal should prepare a document containing statements of fact and reasons. The statements of fact and reasons need not be lengthy and are not expected to be as full as they would be where a final decision is reached e.g. to make a Compulsory Treatment Order. The Tribunal should however make sure that it is clear the basis on which the conditions mentioned in section 64(5)(a) to (d) are met in respect of the patient and why it is necessary to make an interim compulsory treatment order (see section 65(2) and (6) of the 2003 Act).

The Tribunal Clerk at the hearing will have copies of the blank template which should be completed when an interim compulsory treatment order is made.

Eileen Davie  
President

17 May 2007