

## Motions under Rule 65 or Rule 57

You may be aware that a Standing Tribunal sits three times a week at Bothwell House in Hamilton. A Convener sitting alone at a Standing Tribunal may determine any interim or preliminary matter in relation to a case. This may include a motion to adjourn under Rule 65 or a motion to alter the date, time or place of any hearing under Rule 57 of The Mental Health Tribunal for Scotland (Practice and Procedure) (No 2) Rules 2005.

If you intend to make a motion under Rule 65 or Rule 57, please be advised that with effect from the 30th August 2010, the following shall apply:

1. Your motion must be made in writing and be provided as early as possible to prevent inconvenience to parties, and in particular, the patient. A pro forma **Motion for Adjournment** has been prepared by the Administration for your use.
2. If your motion is lodged late you should explain why this has occurred.
3. Your motion must provide sufficient and detailed information stating;
  - (i) why you are seeking an adjournment, or alteration to the date, time or place of the hearing, and,
  - (ii) the length of adjournment sought or the proposed change of date, time or place of the hearing;
4. Before determining the motion, the Convener will require to know the position of the other parties to the application. You should return to the Tribunal with your motion, the completed **Intimation Form**.
5. If you have failed to provide a copy of your written motion to the parties you will be required to provide information explaining why you have not done so, and whether the parties to whom you have not intimated your motion, oppose your motion (a section is provided in the Intimation Form for this purpose).

I would be grateful if you could note the above requirements and take any necessary steps to ensure written motions reflect these necessary elements.

Yours sincerely

Thomas Fairley  
Casework Manager