

SHERIFFDOM OF SOUTH STRATHCLYDE DUMFRIES AND GALLOWAY

B612/08

JUDGMENT OF SHERIFF PRINCIPAL B A LOCKHART

in the cause

T.

Appellant

against

MENTAL HEALTH TRIBUNAL FOR SCOTLAND
First Floor, Bothwell House, Hamilton Business Park,
Caird Park, Caird Road, Hamilton ML3 0QA

Respondent

AIRDRIE: 28 July 2008

The Sheriff Principal, having considered the papers in connection with this appeal, and in particular the grounds of appeal intimated by the appellant on 20 June 2008 and further grounds of appeal intimated by the appellant dated 18 July 2008, and the amended statement of full findings and reasons dated 4 July 2008 with written statement by the appellant which was read out at the Tribunal hearing on 8 May 2008, determines that no competent ground of appeal has been intimated by the appellant; accordingly dismisses the appeal and finds no expenses due to or by either party in connection with the appeal.

NOTE:

1. This appeal involves a decision made by the Mental Health Tribunal for Scotland on 8 May 2008 to extend the compulsory treatment order in respect of the appellant in terms of section 152(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003. The original statement of full findings and reasons was brief in the extreme and I accordingly sought an amended statement of full findings and reasons. This has now been provided by the Tribunal and the amended statement dated

4 July 2008 is attached to this note. There is also attached to the note the statement made by the appellant at the Tribunal hearing on which he relies.

2. Having received the amended statement of full findings and reasons with the appellant's statement which was read out at the Tribunal hearing on 8 May 2008 I decided that the amended statement of full findings and reasons should be placed before the appellant in order that he might consider whether he wished to state any additional grounds of appeal. The appellant took that opportunity.

3. The original note of appeal lodged by the appellant dated 20 June 2008 stated the following grounds of appeal:

- “(1) That a prejudicial situation exists generally in the British society against the acceptance of a “divine being” and “creator” the idea of which bears crucially on my case.
- (2) The responsibility of considering there to be a God in order to take my case seriously lay with the Tribunal; something I believe they failed to do.”

4. In the further letter from the appellant dated 18 July 2008 the appellant stated additional grounds of appeal as follows:

- “(1) 15/5/59
- (2) It has not been established whether I or the doctors work for society are the one's that are mentally ill. Before the doctors can claim that a drug works on a patient (i.e. CLOZAPINE) who is allegedly mentally ill they, (the doctors) have to prove that he is mentally ill in the first place.
- (3) I have become increasingly isolated for the reasons explained in my personal statement (NB see personal statement notes see by (3) marker.
- (4) The profound religious experience I had was just God making my thoughts heard in 1983. I have argued (in my personal statement (NB Please read) that the idea of God is a sound so that does not necessarily imply I am suffering from a mental illness. It could just as well imply that society and the Doctors are mentally ill! I don't hear God but I am drawn along by the spirit of awareness. As I put it to Dr DEWAR I hear God in my heart and have a sense or inkling of HIM, but nothing of his presence. But they call it Hallucinatory. I have not identified but know off certain members off staff as being evil. Evil gravitates here, to the STATE HOSPITAL, to the most vulnerable people in the secluded and most isolated situations. Not many people including the Doctors get to know what does on inside the STATE HOSPITAL.
- (5) I made it clear to the Tribunal that I do not nor have ever said to Dr Dewar that I seek to broadcast my thoughts so why it's in the Tribunal Amendment Statement I do not understand (Please see personal statement NB by (5) marker).

- (6) The criteria for the patients continued detention in hospital are satisfied, i.e. that the RMO decision is irrefutable and is God. They accept in it's entirely the evidence of the RMO and MHO without question even though I question point by point, page by page what the RMO claimed concerning my case on the form (Determination to Extend a CTO or CO).

I was without contrary medical opinion because I can think only of a few doctors that might have the integrity and honesty to challenge the full body of the medical profession. One is working part time and otherwise engaged, one is retired and I was told by my RMO that the other is not suitable because he is a Junior Doctor.

If you read my personal statement I think you will agree there is no thought disorder or obsession with religious experience but a fairly concise account why it is apparent or at least very plausible, the existence of God. And that it is entirely possible that it is God who is letting people hear my thoughts.

You might wonder why I am in the STATE HOSPITAL. It was just because I started to bang my head being aware that God wanted me too. Some how he knew that that would be enough to get me into a High Security Hospital (Please see personal statement last page).

- (4) By the way there was no serious suicide attempt in 1993. As I explained to the Tribunal but has also for some reason gone amiss. Something I could explain to you if you allow my appeal."

5. Section 324(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 provides:

"An appeal -- (a) to the Sheriff Principal under section 320(2) of this Act or ... may be made only on one or more of the grounds mentioned in subsection (2) below"

Section 324(2) provides:

"The grounds referred to in subsection (1) above are-

- (a) That the Tribunal's decision was based on an error of law
- (b) That there had been a procedural impropriety in the conduct of any hearing by the Tribunal on the application
- (c) That the Tribunal has acted unreasonably in the exercise of its discretion
- (d) That the Tribunal's decision was not supported by the facts found to be established by the Tribunal"

6. I have carefully considered all the documentation available to me in this case. In particular I have had regard to the grounds of appeal which have been intimated by the appellant which I have set out in full. I take the view that none of the grounds of appeal fall within the ground specified in section 324(2) of the 2003 Act which I have set out above.

7. In these circumstances in my opinion the appeal accordingly falls to be dismissed as no competent ground of appeal has been intimated by the appellant. In these circumstances I do not propose to assign a hearing. I have made no award in respect of expenses.

L.A. [Signature]