

GUIDANCE to TRIBUNAL ADMINISTRATION No. 2/2010
(REVISED July 2025)
THE PROVISION OF DOCUMENTS IN TRIBUNAL APPLICATIONS

Purpose of this Guidance

1. The purpose of this guidance is to clarify which documents shall be provided by the Mental Health Tribunal for Scotland Administration to parties and tribunal members in each tribunal application. The appendices attached list the documents required in respect of each application, appeal, reference and review. The appendices follow the numerical order of the sections of the Mental Health (Care and Treatment) (Scotland) Act 2003 to which this guidance applies.
2. This guidance applies to applications, etc. in respect of compulsory treatment orders and compulsion orders. It does **not** cover applications, etc in respect of compulsion orders with a restriction order (i.e. CORO cases).
3. The guidance will take effect from **16 August 2010**.

References

4. The following references will apply throughout this guidance:
 - a. **section** references refer to sections of the *Mental Health (Care and Treatment) (Scotland) Act 2003*.
 - b. **rule** references refer to rules of *The Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005 (SSI 2005/519)*.
 - c. **SSI 365** references refer to *The Mental Health (Compulsion orders – documents and reports to be submitted to the Tribunal) (Scotland) Regulations 2005 (SSI 2005/365)*.
 - d. **SSI 366** references refer to *The Mental Health (Compulsory treatment orders – documents and reports to be submitted to the Tribunal) (Scotland) Regulations 2005 (SSI 2005/366)*.
 - e. **SSI 467** references refer to *The Mental Health (Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005 (SSI 2005/467)*.
 - f. **SSI 172** references refer to *The Mental Health (Relevant Health Board for Patients Detained in Conditions of Excessive Security) (Scotland) Regulations 2006 (SSI 2006/172)*.
 - g. **SSI 174** references refer to *The Mental Health (Conflict of Interest) (Scotland) Regulations 2017 (SSI 2017/174)*.
 - h. **interlocutor** references refer to any decisions (i.e. the facts, findings and reasons (FFR) and the order) made by a tribunal or standing tribunal. These include decisions appointing a curator ad litem, granting an adjournment and directing the non-disclosure of documents.
 - i. **The last tribunal decision(s) (FFR) and order(s)** means the FFR and order from the last hearing concerning the CTO or CO to which the patient is subject, together with the FFR and order from any more recent hearing on an incidental matter, but will not include a decision taken under section 50 or section 120 of the Act (or their compulsion order equivalent).

Parties, relevant persons and respondents

This guidance clarifies who the parties are in each type of tribunal application listed. Rule 2 provides the following interpretations:

“party” means:

- a. the person who initiated the proceedings before the Tribunal except a person who initiated them by virtue of a provision giving a listed initiator authority to act;
- b. the patient to whom the proceedings relate;
- c. the named person of the patient to whom the proceedings relate;
- d. any person whose decision (which shall include any direction or order, determination or grant of a certificate, but does not include a decision by a court) is the subject of the proceedings before the Tribunal;
- e. any person added as a party under rule 48;
- f. the Scottish Ministers in any proceedings which relate to a relevant patient;
- g. the relevant Health Board in any proceedings under sections 264 to 271 of the Act;¹ and
- h. the patient’s responsible medical officer in any proceedings in relation to an application under section 164A of the Act;

“relevant person” means:

Any party and any other person who sends a notice of response under Part II, IV or V of these Rules indicating a wish to make representations or to lead or produce evidence;

“respondent” means:

The person who made the decision which is the subject of appeal under or by virtue of Part III of these Rules.

Representation

At any hearing a relevant person may conduct the relevant person’s own case (with assistance from any person if the relevant person wishes) or may be represented by any person whether or not legally qualified (rule 54(3)). It is the Tribunal’s practice to provide case papers along with intimation letters to any relevant person’s legal representative.

Curators ad litem

When a curator ad litem is appointed to a patient, it is the Tribunal’s practice to provide case papers along with intimation letters to the curator ad litem and to the patient.

¹ See regulation 2 of the [Mental Health \(Relevant Health Board for Patients Detained in Conditions of Excessive Security\) \(Scotland\) Regulations 2006 \(SSI 2006/172\) \(hyperlink\)](#)

Papers from previous hearing(s) in respect of the matter being determined

Papers for every case in which there has been a previous hearing or hearings in respect of the matter being determined shall include all tribunal orders, including interim orders, decisions, including decisions to adjourn a case, and Directions made under Rule 49 of the Tribunal's Rules.

Duties of the Clerk to provide notice etc.

This guidance (revised at March 2011) lists the rules which set out the duties of the Clerk to provide notice and to send a copy of the application etc in each tribunal application.

Where the Rules are silent, the practice of the Tribunal is specified. This is identified in red text and by the inclusion of ** in the reference box.

Compliance with this guidance note (2/2010) in the provision of the specified documents in each type of tribunal application is also required.

Section 50: Patient's right to apply for revocation of short-term detention certificate or extension certificate etc

Document	Reference
1. The application of the patient or the named person	Rule 5(1) and (2)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 5(2) (e)
3. The short term detention certificate (STDC) which is the subject of the application	
4. Any response, other reports or documents submitted by a party to the application	
5. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
6. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
The AMP ² who granted the STDC	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

² The patient will not necessarily have a RMO at the time of the granting of the STDC, particularly if this is the first time they have been made subject to a STDC.

Section 50: Patient's right to apply for revocation of short-term detention certificate or extension certificate etc (continued)

Clerk's duties	Reference
Copy of the application to the parties	Rule 5(4)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties and others specified in the rule	Rule 5(6)
Compliance with Advice Note 17	Manual of Practices and Procedures

Section 63: Application for compulsory treatment order

Document	Reference
1. The application of the MHO (which shall include the report of the MHO, the two mental health reports and the proposed care plan)	Section 63(1) and (2)
2. Any short term detention certificate connected to the application (if relevant)	
3. Any response, other reports or documents submitted by a party to the application	
4. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
5. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
MHO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 6(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties and others specified in the rule	Rule 6(3)

Section 92: Application to Tribunal by the RMO for an order extending and varying a compulsory treatment order

Document	Reference
1. The application of the RMO	Rule 9(1)
2. *A copy of the patient's care plan as first prepared under section 76 (1) of the Act	SSI 2005/366, Regulation 2
3. *A copy of any such care plan amended by virtue of section 76 (3) or 4 (a)	SSI 2005/366, Regulation 2
4. A copy of any suspension certificates if any measures in the order, such as detention, have been suspended	
5. The last tribunal decision(s) (FFR) and order(s)	
6. The most recent determination of the RMO under section 86, and, in the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
7. Any response, other reports or documents submitted by a party to the application	
8. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
9. Any advance statement of the patient	
10. Any certificate issued under section 44, 114 or 115	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 9(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties and others specified in the rule	Rule 9(3)

Section 95: Application to Tribunal by the RMO for an order varying a compulsory treatment order

Document	Reference
1. The application of the RMO	Rule 9(1)
2. *A copy of the patient's care plan as first prepared under section 76 (1) of the Act	SSI 2005/366, Regulation 2
3. *A copy of any such care plan amended by virtue of section 76 (3) or 4 (a)	SSI 2005/366, Regulation 2
4. A copy of any suspension certificates if any measures in the order, such as detention, have been suspended	
5. The last tribunal decision(s) (FFR) and order(s)	
6. The determination of the RMO under section 86 in force at the date of the tribunal hearing and where the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
7. Any response, other reports or documents submitted by a party to the application	
8. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
9. Any advance statement of the patient	
10. Any certificate issued under sections 44 or 114	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 9(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties and others specified in the rule	Rule 9(3)

Section 96: Recorded matters: reference to Tribunal by RMO

Document	Reference
1. The reference of the RMO	Rule 30(1)
2. The last tribunal decision(s) (FFR), including the recorded matter and order(s)	
3. *A copy of the patient's care plan as first prepared under section 76 (1) of the Act	SSI 2005/366, Regulation 2
4. *A copy of any such care plan amended by virtue of section 76 (3) or 4 (a)	SSI 2005/366, Regulation 2
5. Any response, other reports or documents submitted by a party to the application	
6. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
7. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the reference to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the reference to parties and others specified in the rule	Rule 30(1)

Section 98: Reference to Tribunal by the Mental Welfare Commission

Document	Reference
1. The reference of the Mental Welfare Commission (MWC)	Rule 30(1)
2. The tribunal decision(s) (FFR) and order(s), to which the reference refers	
3. Any response, other reports or documents submitted by a party to the application	
4. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
5. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
MWC	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the reference to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the reference to parties and others specified in the rule	Rule 30(1)

Section 99: Application by patient etc for revocation of determination extending order

Document	Reference
1. The application of the patient or the named person	Rule 10(1) and (2)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 10(2) (f)
3. The determination of the RMO under section 86 which is the subject of the application and, in the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
4. The last tribunal decision(s) (FFR) and order(s)	
5. A copy of the most recent section 76 care plan for the patient	
6. Any response, other reports or documents submitted by a party to the application	
7. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
8. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the RMO and other parties	Rule 10(4) and **
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties and others specified in the rule	Rule 10(5)

Section 100: Application by patient etc for revocation or variation of order

Document	Reference
1. The application of the patient or the named person	Rule 10(1) and (2)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 10(2) (f)
3. The last tribunal decision(s) (FFR) and order(s)	
4. A copy of the most recent section 76 care plan for the patient	
5. Any response, other reports or documents submitted by a party to the application	
6. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
7. Any advance statement of the patient	
8. The determination of the RMO under section 86 in force at the date of the tribunal hearing and where the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the RMO and other parties	Rule 10(4) and **
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties and others specified in the rule	Rule 10(5)

Revised July 2025

Section 101 (2) (a) (i): Tribunal's duty to review determination under section 86 (if there is a difference between the type or types of mental disorder the patient has and the mental disorder recorded in the CTO)

Document	Reference
1. The determination of the RMO	Sections 86 and 87
2. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
3. The record submitted by the MHO in terms of section 87A(2)(b)	Section 87A
4. The last tribunal decision(s) (FFR) and order(s)	
5. A copy of the most recent section 76 care plan for the patient	
6. Any response, other reports or documents submitted by a party to the review.	
7. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the review	
8. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the RMO's determination to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the review to parties and others specified in the rule	Rule 35(1)

Section 101 (2) (a) (ii): Tribunal's duty to review determination under section 86 (where the MHO disagrees with the determination or has failed to inform the RMO of whether the MHO agrees or disagrees with the determination that is proposed should be made)

Document	Reference
1. The determination of the RMO	Sections 86 and 87
2. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
3. The record submitted by the MHO in terms of section 87A(2)(b)	Section 87A
4. The last tribunal decision(s) (FFR) and order(s)	
5. A copy of the most recent section 76 care plan for the patient	
6. Any response, other reports or documents submitted by a party to the review	
7. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the review	
8. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the RMO's determination to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the review to parties and others specified in the rule	Rule 35(1)

Section 101 (2) (b): Tribunal's duty to review determination under section 86 (2 year review)

Document	Reference
1. The determination of the RMO	Sections 86 and 87
2. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
3. In the event that the patient has been subject to a community-based CTO for more than the last five years, the earlier determination(s) requested by the IHC	
4. The last tribunal decision(s) (FFR) and order(s)	
5. A copy of the most recent section 76 care plan for the patient	
6. The first tribunal order granted or, if varied, the last tribunal order which varied the measures	
7. Any response, other reports or documents submitted by a party to the review	
8. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the review	
9. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the RMO's determination to parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the review to parties and others specified in the rule	Rule 35(1)

Section 120: Certificate granted under section 114(2): patient's right to apply to Tribunal to have certificate revoked

Document	Reference
1. The application of the patient or the named person	Rule 11(1) and (2)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 11(2) (f)
3. The section 114(2) certificate which is the subject of the application	
4. The last tribunal decision(s) (FFR) and order(s)	
5. Any response, other reports or documents submitted by a party to the application	
6. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
7. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the parties	Rule 11(5)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties	Rule 11(5)

Section 120: Certificate granted under section 115(2): patient's right to apply to Tribunal to have certificate revoked

Document	Reference
1. The application of the patient or the named person	Rule 11(1) and (2)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 11(2) (f)
3. The section 115(2) certificate which is the subject of the application	
4. The last tribunal decision(s) (FFR) and order(s)	
5. Any response, other reports or documents submitted by a party to the application	
6. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
7. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the parties	Rule 11(5)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to parties	Rule 11(5) Rule 13(3)

Section 125: Transfer to hospital other than state hospital: appeal to Tribunal by patient or named person

Document	Reference
1. The appeal of the patient or the named person	Rule 23
2. The last tribunal decision(s) (FFR) and order(s)	
3. A copy of the notice of the intention to transfer the patient	Section 125(1) (a)
4. Any response, other reports or documents submitted by a party to the appeal	
5. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the appeal	
6. Any advance statement of the patient	
7. Any TX2 form	

Party	Reference
Patient	Rule 2
Named person	Rule 2
Respondent (the transferring <u>and</u> the receiving hospital managers)	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the appeal to the patient, named person and respondent	Rule 24(1)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the appeal to the respondent and the parties	Rule 24(2) and **

Section 126: Transfer to state hospital: appeal to Tribunal by patient or named person

Document	Reference
1. The appeal of the patient or the named person	Rule 23
2. The last tribunal decision(s) (FFR) and order(s)	
3. A copy of the notice of the intention to transfer the patient	Section 126(1) (a)
4. Any response, other reports or documents submitted by a party to the appeal	
5. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the appeal	
6. Any advance statement of the patient	
7. Any TX2 form	

Party	Reference
Patient	Rule 2
Named person	Rule 2
Respondent (the transferring <u>and</u> receiving hospital managers)	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the appeal to the patient, named person and respondent	Rule 24(1)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the appeal to the respondent and parties	Rule 24(2) and **

Section 149: Application to Tribunal by RMO for extension of order (following first review)

Document	Reference
1. *The compulsion order first granted by the court	
2. The application of the RMO	Rule 12(1)
3. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
4. *A copy of the patient's Part 9 care plan as first prepared under section 137 (2) (a) of the Act	SSI 2005/365, Regulation 2 (a) (i)
5. *A copy of the patient's amended Part 9 care plan	SSI 2005/365, Regulation 2 (a) (ii)
6. *A copy of any written evidence given by a medical practitioner under section 57A(2)(a) of the Criminal Procedure (Scotland) Act 1995 (evidence of medical practitioners prior to making of compulsion order by court)	SSI 2005/365, Regulation 2 (b)
7. *A copy of any report by the MHO prepared in accordance with section 57C(2)(b) of the Criminal Procedure (Scotland) Act 1995 (report by mental health officer prior to making of compulsion order by court)	SSI 2005/365, Regulation 2 (c)
8. A copy of any suspension certificates if any measures in the order, such as detention, have been suspended	
9. Any response, other reports or documents submitted by a party to the application	
10. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
11. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Section 149: Application to Tribunal by RMO for extension of order (following first review) (continued)

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 12(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 12(3)

Section 158: Application to Tribunal by RMO for extension and variation of compulsion order (following first review)

Document	Reference
1. *The compulsion order first granted by the court	
2. The application of the RMO	Rule 12(1)
3. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
4. *A copy of the patient's Part 9 care plan as first prepared under section 137 (2) (a) of the Act	SSI 2005/365, Regulations 3(a) and 2 (a) (i)
5. *A copy of the patient's amended Part 9 care plan	SSI 2005/365, Regulations 3(a) and 2 (a) (ii)
6. *A copy of any written evidence given by a medical practitioner under section 57A(2)(a) of the Criminal Procedure (Scotland) Act 1995 (evidence of medical practitioners prior to making of compulsion order by court)	SSI 2005/365, Regulations 3(b) and 2 (b)
7. *A copy of any report by the MHO prepared in accordance with section 57C(2)(b) of the Criminal Procedure (Scotland) Act 1995 (report by mental health officer prior to making of compulsion order by court)	SSI 2005/365, Regulations 3(b) and 2 (c)
8. A copy of any suspension certificates if any measures in the order, such as detention, have been suspended	
9. Any response, other reports or documents submitted by a party to the application	
10. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
11. Any advance statement of the patient	
12. Any certificate issued under section 44 or 114	

*Indicates this is the duty of the applicant to provide.

Section 158: Application to Tribunal by RMO for extension and variation of compulsion order (following first review) (continued)

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener.	Rule 48

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 12(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 12(3)

Section 158: Application to Tribunal by RMO for extension and variation of compulsion order (other than on a first review)

Document	Reference
1. The application of the RMO	Rule 12(1)
2. *A copy of the patient's amended Part 9 care plan	SSI 2005/365, Regulation 3(b)
3. A copy of any suspension certificates if any measures in the order, such as detention, have been suspended	
4. The most recent determination of the RMO under section 152 and, in the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
5. The last tribunal decision(s) (FFR) and order(s)	
6. Any response, other reports or documents submitted by a party to the application	
7. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
8. Any advance statement of the patient	
9. Any certificate issued under section 44 or 114	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 12(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 12(3)

Revised July 2025

Section 161: Application to Tribunal by RMO for variation of compulsion order (made within 6 months of CO being made)

Document	Reference
1. *The compulsion order first granted by the court	
2. The application of the RMO	Rule 12(1)
3. *A copy of the patient's Part 9 care plan as first prepared under section 137 (2) (a) of the Act	SSI 2005/365, Regulation 4 (a) (i) (aa)
4. *A copy of the patient's amended Part 9 care plan	SSI 2005/365, Regulation 4 (a) (i) (bb)
5. *A copy of any written evidence given by a medical practitioner under section 57A(2)(a) of the Criminal Procedure (Scotland) Act 1995 (evidence of medical practitioners prior to making of compulsion order by court)	SSI 2005/365, Regulation 4 (ii)
6. *A copy of any report by the MHO prepared in accordance with section 57C(2)(b) of the Criminal Procedure (Scotland) Act 1995 (report by mental health officer prior to making of compulsion order by court)	SSI 2005/365, Regulation 4 (iii)
7. A copy of any suspension certificates if any measures in the order, such as detention, have been suspended	
8. Any response, other reports or documents submitted by a party to the application	
9. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
10. Any advance statement of the patient	
11. Any certificate issued under section 44 or 114	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Section 161: Application to Tribunal by RMO for variation of compulsion order (made within 6 months of CO being made) (continued)

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 12(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 12(3)

Section 161: Application to Tribunal by RMO for variation of compulsion order (made in any period for which CO extended)

Document	Reference
1. The application of the RMO	Rule 12(1)
2. *A copy of the patient's amended Part 9 care plan	SSI 2005/365, Regulation 4 (b)
3. The determination of the RMO under section 152 in force at the date of the tribunal hearing and where the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
4. A copy of any suspension certificates if any measures in the order, such as detention, have been suspended	
5. The last tribunal decision(s) (FFR) and order(s)	
6. Any response, other reports or documents submitted by a party to the application	
7. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
8. Any advance statement of the patient	
9. Any certificate issued under section 44 or 114	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the patient and named person	Rule 12(2)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 12(3)

Section 163: Application to Tribunal by patient etc for revocation of determination extending compulsion order

Document	Reference
1. The application of the patient or the named person	Rule 13(1)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 13(1) (f)
3. The determination of the RMO under section 152 which is the subject of the application and, in the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	Section 153 and SSI 174, Regulation 5
4. A copy of the most recent Part 9 care plan for the patient	
5. The last tribunal decision(s) (FFR) and order(s)	
6. Any advance statement of the patient	
7. Any response, other reports or documents submitted by a party to the application	
8. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 13(3)

Section 164: Application to Tribunal by patient etc for revocation or variation of compulsion order

Document	Reference
1. The application of the patient or the named person	Rule 13(1)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 13(1) (f)
3. The determination of the RMO under section 152 in force at the date of the tribunal hearing and where the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
4. A copy of the most recent Part 9 care plan for the patient	
5. The last tribunal decision(s) (FFR) and order(s)	
6. Any advance statement of the patient	
7. Any response, other reports or documents submitted by a party to the application	
8. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 13(3)

Section 164A: Application to end disclosure period for compulsion order

Document	Reference
1. The application of the patient or the named person	Rule 13(1)
2. A brief statement of the reasons for the application (normally attached to the application)	Rule 13(1) (f)
3. The determination of the RMO under section 152 in force at the date of the tribunal hearing and where the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
4. A copy of the most recent Part 9 care plan for the patient	
5. The last tribunal decision(s) (FFR) and order(s)	
6. Any advance statement of the patient	
7. Any response, other reports or documents submitted by a party to the application	
8. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2

Clerk's duties	Reference
Copy of the application to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 13(3)

Section 165 (2) (a) (i): Tribunal's duty to review determination under section 153 (if there is a difference between the type or types of mental disorder which the patient has and the mental disorder recorded in the CO)

Document	Reference
1. The determination of the RMO	Sections 152 and 153
2. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
3. The record submitted to the tribunal by the MHO in terms of section 153A(2)(b)	Section 153A
4. The last tribunal decision(s) (FFR) and order(s)	
5. A copy of the most recent Part 9 care plan for the patient	
6. Any response, other reports or documents submitted by a party to the review	
7. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the review	
8. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the RMO's determination to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the review to the parties and others specified in the rule	Rule 35(1)

Section 165 (2) (a) (ii): Tribunal's duty to review determination under section 153 (where the MHO disagrees with the determination or has failed to inform the RMO of whether the MHO agrees or disagrees with the determination that is proposed should be made)

Document	Reference
1. The determination of the RMO	Sections 152 and 153
2. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
3. The record submitted to the tribunal by the MHO in terms of section 153A(2)(b)	Section 153A
4. The last tribunal decision(s) (FFR) and order(s)	
5. A copy of the most recent Part 9 care plan for the patient	
6. Any other reports or documents submitted by a party to the review	
7. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the review	
8. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the RMO's determination to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the review to the parties and others specified in the rule	Rule 35(1)

Section 165 (2) (b): Tribunal's duty to review determination under section 153 (2 year review)

Document	Reference
1. The determination of the RMO	Sections 152 and 153
2. In the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
3. In the event that the patient has been subject to a community-based CO for more than the last five years, the earlier determination(s) requested by the IHC	
4. The last tribunal decision(s) (FFR) and order(s)	
5. The first tribunal order granted or, if varied, the last tribunal order which varied the measures	
6. A copy of the most recent Part 9 care plan for the patient	
7. Any other reports or documents submitted by a party to the review	
8. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
9. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the RMO's determination to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the review to the parties and others	Rule 35(1)

**Section 255 (6) (b) or 255 (7) (b):
Named person: mental health officer's duties etc.**

Document	Reference
1. The application of the MHO	Rule 17(1)
2. A copy of any response provided by the patient, the apparent named person and the proposed named person, in connection with the application	Rule 17(3)
3. Any other reports or documents submitted by a party to the application	
4. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
5. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
The apparent named person	Rule 2
MHO	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the patient, the "apparent named person" and any person whom it is proposed in the application should be the named person	Rule 17(2)(a)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the "apparent named person" and any person whom it is proposed in the application should be the named person	Rule 17(2)

Section 256 (1): Named person: application by patient etc.

Document	Reference
1. The application of the patient, the RMO, if the patient is a child, any person with parental responsibilities, if the patient is in hospital, the managers of the hospital, any welfare attorney, any guardian, any relative of the patient or any other person having an interest in the welfare of the patient	Rule 17(1) and section 256(1) and (2)
2. A copy of any response provided by the patient, the named person and any person whom it is proposed in the application should be the named person	Rule 17(3)
3. Any other reports or documents submitted by a party to the application	
4. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
5. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
The named person	Rule 2
The Applicant (if other than those specified above)	Section 256(1) and (2)
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Copy of the application to the patient, the named person and any person whom it is proposed in the application should be the named person	Rule 17(2)(b)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the named person and any person whom it is proposed in the application should be the named person	Rule 17(2)

Section 264 (2): Detention in conditions of excessive security: state hospitals

Document	Reference
1. The application of the patient, the named person, any guardian or welfare attorney of the patient, or the Mental Welfare Commission	Section 264(2) and (6)
2. Accompanying report submitted by an approved medical practitioner	Section 264(7A)
3. *A brief statement of the reasons for the application (normally attached to the application)	Rule 17A(2) (f)
4. *The last tribunal decision(s) (FFR) and order(s), or the direction under the authority of which the patient is detained in hospital	Rule 17A(2) (e)
5. Any response, other reports or documents submitted by a party to the application	
6. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
7. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
The relevant health board	SSI 2006/172, Regulation 2
The Applicant (if other than those specified above)	Section 264(2) and (6)
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Section 264 (2): Detention in conditions of excessive security: state hospitals (continued)

Clerk's duties	Reference
Copy of the application to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 17A(4)

Section 265 (2): Order under section 264: further provision

Document	Reference
1. A copy of the tribunal's decision (FFR) and order made under section 264 (2)	
2. Any response, other reports or documents submitted by a party to the application	
3. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
4. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
The relevant health board	SSI 2006/172, Regulation 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Notice of the hearing to the parties and others (mentioned in Rule 17A(4))	Rule 17B(2) and 17A(4)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010

Section 267 (2): Orders under sections 264 and 265: recall

Document	Reference
1. The application of the relevant Health Board or the RMO	Rule 17C(1)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 17C(2) (d)
3. The tribunal's decisions (FFR) and orders issued under sections 264 and 265	
4. Any response, other reports or documents submitted by a party to the application	
5. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
6. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO (where the RMO has raised the application)	Rule 2 and section 267(2) and (4)
The relevant health board	Section 267(2) and (4)(a)
Any person directed to be treated as a party by the Tribunal or a Convener.	Rule 48

Clerk's duties	Reference
Copy of the application to parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others (mentioned in Rule 17A(4))	Rule 17C(4) and 17A(4)

Section 268 (2): Detention in conditions of excessive security: hospitals other than state hospitals

Document	Reference
1. The application of the patient, the named person, any guardian or welfare attorney of the patient, or the Mental Welfare Commission	Section 268(2) and (6)
2. Accompanying report submitted by an approved medical practitioner	Section 268(7A)
3. *A brief statement of the reasons for the application (normally attached to the application)	Rule 17A(2) (f)
4. *The last tribunal decision(s) (FFR) and order(s), or the direction under the authority of which the patient is detained in hospital	Rule 17A(2) (e)
5. Any response, other reports or documents submitted by a party to the application	
6. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
7. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
The relevant health board	SSI 2006/172, Regulation 2
The Applicant (if other than those specified above)	Section 268(2) and (6)
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Section 268 (2): Detention in conditions of excessive security: hospitals other than state hospitals (continued)

Clerk's duties	Reference
Copy of the application to the parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others specified in the rule	Rule 17A(4)

Section 269 (3): Order under section 268: further provision

Document	Reference
1. A copy of the tribunal's decision (FFR) and order made under section 268 (2)	
2. Any response, other reports or documents submitted by a party to the application	
3. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
4. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
The relevant health board	SSI 2006/172, Regulation 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

Clerk's duties	Reference
Notice of the hearing to the parties and others (mentioned in Rule 17A(4))	Rule 17B(2) and 17A(4)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010

Section 271 (2): Orders under sections 268 and 269: recall

Document	Reference
1. The application of the relevant Health Board or the RMO	Rule 17C(1)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 17C(2) (d)
3. The tribunal's decisions (FFR) and orders issued under sections 268 and 269	
4. Any response, other reports or documents submitted by a party to the application	
5. Any interlocutor from a tribunal (including the standing tribunal) in connection with the application	
6. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO (where the RMO has raised the application)	Rule 2 and section 271(2) and (4)
The relevant health board	Section 271(2) and (4)(a)
Any person directed to be treated as a party by the Tribunal or a Convener.	Rule 48

Clerk's duties	Reference
Copy of the application to parties	**
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the parties and others (mentioned in Rule 17A(4))	Rule 17C(4) and 17A(4)

Section 290: Cross border transfer: patients subject to detention requirement or otherwise in hospital (Removal of patients from Scotland)

SSI 467: Regulation 13: Appeal to Tribunal

Document	Reference
1. The appeal of the patient	Rule 23
2. The last tribunal decision(s) (FFR) and order(s)	
3. A copy of the notice given by Scottish Ministers that the patient be removed from Scotland ³ (which the patient should provide)	SSI 2005/467, Regulation 9
4. A copy of the warrant for removal issued by the Scottish Ministers ⁴ , if issued (which the patient should provide)	SSI 2005/467, Regulation 10
5. Any response, other reports or documents submitted by a party to the appeal	
6. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the appeal	
7. Any advance statement of the patient	

Party	Reference
Patient	Rule 2
Named person	Rule 2
Respondent (the Scottish Ministers)	Rule 2
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

³ The Scottish Ministers have a duty to immediately give notice of their decision to the patient, the named person, the RMO, the MHO, the Mental Welfare Commission and the country or territory to which it is proposed the patient shall be removed (SSI 467 Regulation 9(1)).

⁴ The Scottish Ministers have a duty to immediately send a copy of the warrant to the patient, the named person, the RMO, the MHO, the Mental Welfare Commission and the country or territory to which it is proposed the patient shall be removed (SSI 467 Regulation 10(5)).

Section 290: Cross border transfer: patients subject to detention requirement or otherwise in hospital (Removal of patients from Scotland)

SSI 467: Regulation 13 Appeal to Tribunal (continued)

Clerk's duties	Reference
Copy of the appeal to the patient, named person and respondent	Rule 24(1)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the appeal to the respondent and the parties	Rule 24(2) and **

Section 291: Application to Tribunal in relation to unlawful detention

Document	Reference
1. The application of the patient, the named person, the person with parental responsibilities, the MHO, the Commission, the guardian, the welfare attorney or any other person having an interest in the welfare of the patient	Rule 18(1) and section 291(2) and (4)
2. *A brief statement of the reasons for the application (normally attached to the application)	Rule 18(2) (e)
3. The last tribunal decision(s) (FFR) and order(s) (if there is one)	
4. Any determination of the RMO which is <u>current</u> , in relation to the application (if there is one) and in the event that the patient is detained in an independent hospital, the report prepared by an AMP not employed by that hospital	SSI 2017/174, Regulation 5
5. Any response, other reports or documents submitted by a party to the application	
6. Any additional interlocutors from a tribunal (including the standing tribunal) in connection with the application	
7. Any advance statement of the patient	

*Indicates this is the duty of the applicant to provide.

Party	Reference
Patient	Rule 2
Named person	Rule 2
RMO ⁵	Rule 2
The hospital manager	Rule 2
The Applicant (if other than those specified above)	Section 291(2) and (4)
Any person directed to be treated as a party by the Tribunal or a Convener	Rule 48

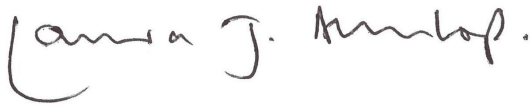
⁵ If the patient is informal, then the patient will be unlikely to have a RMO.

Section 291: Application to Tribunal in relation to unlawful detention (continued)

Clerk's duties	Reference
Copy of the application to the hospital managers and the patient	Rule 18(4)
Compliance with this Guidance Note: The Provision of Documents in Tribunal Applications	Guidance 2/2010
Notice of the application to the hospital managers	Rule 18(5)

LISTED INITIATORS

Document	Reference
1. The application or appeal submitted by the person initiating the application or appeal	Section 257A(3)
2. A written statement by an approved medical practitioner	Rule 2(1A)(a)
3. A written statement by the person making the application or appeal	Rule 2(1A)(b)
4. The documents stated in the section of this Guidance under which the application or appeal is made	



Laura J Dunlop KC
President