

1986 No. 193

MENTAL HEALTH

The Mental Health Review Tribunal (Northern Ireland) Rules 1986

Made 25th June 1986

Coming into operation 31st July 1986

To be laid before Parliament

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The Lord Chancellor, in exercise of the powers conferred on him by Article 83 of the Mental Health (Northern Ireland) Order 1986(a) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

PART I

INTRODUCTION

Title and commencement

1. These Rules may be cited as the Mental Health Review Tribunal (Northern Ireland) Rules 1986 and shall come into operation on 31st July 1986.

(a) S.I. 1986/595 (N.I. 4)

*Interpretation***2. In these Rules—**

- “the Board’s statement” means the statement provided by the responsible Board pursuant to rule 6(1);
- “chairman” means the legal member appointed by the Lord Chancellor as chairman of the Mental Health Review Tribunal for Northern Ireland under paragraph (3) of Schedule 3 to the Order;
- “the Commission” has the meaning assigned to it by Article 2(2) of the Order;
- “conditionally discharged patient” means a patient who is conditionally discharged under Article 48(2), 78 or 79 of the Order;
- “decision with recommendations” means a decision with recommendation in accordance with Article 77(2)(a) of the Order;
- “Department” has the meaning assigned to it by Article 2(2) of the Order;
- “nearest relative” means a person who has for the time being the functions under the Order of the nearest relative of a patient who is not a restricted patient or a conditionally discharged patient;
- “the Order” means the Mental Health (Northern Ireland) Order 1986;
- “party” means the applicant, the patient, the responsible Board and any other person to whom a notice under rule 7 is sent or who is added as a party by direction of the tribunal;
- “president” means the president of the tribunal as defined in paragraph (6) of Schedule 3 to the Order;
- “private guardian” in relation to a patient means a person, other than a Health and Social Services Board, who acts as guardian under the Order;
- “proceedings” includes any proceedings of a tribunal following an application or reference in relation to a patient;
- “provisional decision” includes a deferred direction for conditional discharge in accordance with Article 78(7) of the Order and a notification to the Secretary of State in accordance with Article 79(1) of the Order;
- “reference” means—
- (a) in relation to rule 8, a reference by the person or body mentioned in Article 76(1) or (2) or 86(3) of the Order;
 - (b) in relation to rule 9, a reference by any of the persons or bodies mentioned in Article 72(1), 73(1), 76(1) or (2), 80(1) or 86(3) of the Order;
 - (c) in relation to rule 29, a reference by any of the persons or bodies mentioned in Article 72(1), 76(1) or (2), 80(1) or 86(3) of the Order; and
 - (d) in relation to rule 30, a reference by the body mentioned in Article 73(1) of the Order.
- “responsible Board” has the meaning assigned to it by Article 2(2) of the Order;
- “restricted patient” has the meaning assigned to it by Article 84(1) of the Order;
- “the Secretary of State’s statement” means a statement provided by the Secretary of State pursuant to rule 6(2) or (3);
- “the tribunal” means the Mental Health Review Tribunal for Northern Ireland constituted under Article 70 and Schedule 3 of the Order.

PART II

PRELIMINARY MATTERS

Making an application

3.—(1) An application shall be made to the tribunal in writing, signed by the applicant or any person authorised by him to do so on his behalf.

(2) The application shall wherever possible include the following information:—

- (a) the name of the patient;
- (b) the patient's address, which shall include:—
 - (i) the address of the hospital where the patient is detained; or
 - (ii) the name and address of the patient's private guardian; or
 - (iii) in the case of a conditionally discharged patient or a patient to whom leave of absence from hospital has been granted, the address of the hospital where the patient was last detained or is liable to be detained, together with the patient's current address;
- (c) where the application is made by the patient's nearest relative, the name and address of the applicant and his relationship to the patient;
- (d) the provision of the Order under which the patient is detained, is liable to be detained or is subject to guardianship;
- (e) the name and address of any representative authorised in accordance with rule 10 or, if none has yet been authorised, whether the applicant intends to authorise a representative or wishes to conduct his own case.

(3) If any of the information specified in paragraph (2) is not included in the application, it shall insofar as is practicable be provided by the responsible Board or, in the case of a restricted patient, the Secretary of State, at the request of the tribunal.

Notice of application

4.—(1) On receipt of an application, the tribunal shall send notice of the application to:—

- (a) the responsible Board;
- (b) the patient (where he is not the applicant); and
- (c) if the patient is a restricted patient or a conditionally discharged patient, the Secretary of State.

(2) Paragraph (1) shall apply whether or not power to postpone consideration of the application under rule 9 is exercised.

Preliminary and incidental matters

5. As regards matters preliminary or incidental to an application, the chairman of the tribunal or any member thereof so directed for the purpose by the chairman may, at any time up to the hearing of an application by the tribunal, exercise the powers of the tribunal under rules 6, 7, 9, 10, 12, 13, 14(1), 15, 17, 19, 20, 26 and 28.

Statements by the responsible Board and the Secretary of State

6.—(1) The responsible Board shall send a statement to the tribunal and, in the case of a restricted patient, the Secretary of State, as soon as practicable and in any case within 3 weeks of its receipt of the notice of application and such statements shall contain:—

- (a) the information specified in Part A of the Schedule to these rules insofar as it is within the knowledge of the responsible Board; and
- (b) the report specified in paragraph 1 of Part B of the said Schedule; and

(c) the other reports specified in Part B of the said Schedule insofar as it is reasonably practical to provide them.

(2) Where the patient is a restricted patient, the Secretary of State shall send to the tribunal, as soon as practicable and in any case within 3 weeks of receipt by him of the responsible Board's statement, a statement of such further information relevant to the application as may be available to him.

(3) Where the patient is a conditionally discharged patient, paragraphs (1) and (2) shall not apply and the Secretary of State shall send to the tribunal as soon as practicable, and in any case within 6 weeks of receipt by him of the notice of application, a statement which shall contain:—

(a) the information specified in Part C of the Schedule to these rules insofar as it is within the knowledge of the Secretary of State; and

(b) the reports specified in Part D of the said Schedule, insofar as it is reasonably practicable to provide them;

(4) Any part of the responsible Board's statement or the Secretary of State's statement, which in the opinion of—

(a) (in the case of the responsible Board's statement) the responsible Board; or

(b) (in the case of the Secretary of State's statement) the Secretary of State,

should be withheld from the applicant or (where he is not the applicant) the patient on the ground that its disclosure would adversely affect the health or welfare of the patient or others, shall be made in a separate document in which shall be set out the reasons for believing that its disclosure would have that effect.

(5) On receipt of any statement provided in accordance with paragraph (1), (2) or (3), the tribunal shall send a copy to the applicant and (where he is not the applicant) the patient, excluding any part of any statement which is contained in a separate document in accordance with paragraph (4).

Notice to other persons interested

7. On receipt of the responsible Board's statement or, in the case of a restricted patient or a conditionally discharged patient, the Secretary of State's statement, the tribunal shall give notice of the proceedings:—

(a) where the patient is subject to the guardianship of a private guardian, to the guardian;

(b) where the patient's financial affairs are under the control of the Office of Care and Protection, to the Master (Care and Protection);

(c) where any person other than the applicant is named in the responsible Board's statement as the patient's nearest relative or as exercising that function, to that person;

(d) to any other person who, in the opinion of the tribunal, should have an opportunity of being heard.

Appointment of tribunal

8.—(1) Unless the application belongs to a class or group of proceedings for which members have already been appointed, the members of the tribunal who are to hear the application shall be appointed by the chairman.

(2) A person shall not be qualified to serve as a member of a tribunal for the purpose of any proceedings where:—

(a) he is a member or officer of the responsible Board; or

(b) he has a personal connection with the patient or has recently treated the patient in a professional medical capacity.

(3) The persons qualified to serve as president of the tribunal for the consideration of an application or reference relating to a restricted patient shall be restricted to those legal members who have been approved for that purpose by the Lord Chancellor.

Powers to postpone consideration of an application

9.—(1) Where an application or reference by or in respect of a patient has been considered and determined by the tribunal, the tribunal may, subject to the provisions of this rule, postpone the consideration of a further application by or in respect of that patient until such date as it may direct, not being later than:—

- (a) the expiration of the period of 6 months from the date on which the previous application [or reference] was determined; or
- (b) the expiration of the current period of detention or guardianship, whichever shall be the earlier.

(2) The power of postponement shall not be exercised unless the tribunal is satisfied, after making appropriate inquiries of the applicant and (where he is not the applicant) the patient, that postponement would be in the interests of the patient.

(3) The power of postponement shall not apply to:—

- (a) an application under Article 71(3) of the Order in respect of a renewal of authority for detention or guardianship of the patient for a period of 6 months, unless the previous application or reference was made to the tribunal more than 3 months after the patient's admission to hospital or reception into guardianship;
- (b) an application under Article 71(4) of the Order;
- (c) any application where the previous application or reference was determined before a break or change in the authority for the patient's detention or guardianship as defined in paragraph (7).

(4) Where the consideration of an application is postponed, the tribunal shall state in writing the reasons for postponement and the period for which the application is postponed and shall send a copy of the statement to all the parties and, in the case of a restricted patient, the Secretary of State.

(5) Where the consideration of an application is postponed, the tribunal shall send a further notice of the application in accordance with rule 4 not less than 7 days before the end of the period of postponement and consideration of the application shall proceed thereafter, unless before the end of the period of postponement the application has been withdrawn or is deemed to be withdrawn in accordance with the provisions of rule 19, or has been determined in accordance with paragraph (6).

(6) Where a new application which is not postponed under this rule or a reference is made in respect of a patient, the tribunal may direct that any postponed application in respect of the same patient shall be considered and determined at the same time as the new application or reference.

(7) For the purpose of paragraph 3(c) a break or change in the authority for the detention or guardianship of a patient shall be deemed to have occurred only:—

- (a) on his admission to hospital in pursuance of an application for assessment or in pursuance of a hospital order without an order restricting his discharge; or
- (b) on his reception into guardianship in pursuance of a guardianship application or a guardianship order; or
- (c) on the application to him of the provisions of Part II or Part III of the Order as if he had been so admitted or received following:—
 - (i) the making of a transfer direction, or
 - (ii) the ceasing of effect of a transfer direction or an order or direction restricting his discharge.

PART III

GENERAL PROVISIONS

Representation, etc.

10.—(1) Any party may be represented by any person whom he has authorised for that purpose, not being a person liable to be detained or subject to guardianship under the Order or a person receiving treatment for mental disorder at the same hospital as the patient.

(2) Any representative authorised in accordance with paragraph (1) shall notify the tribunal of his authorisation and postal address.

(3) As regards the representation of any patient who does not desire to conduct his own case and does not authorise a representative in accordance with paragraph (1), the tribunal may appoint some person to act for him as his authorised representative.

(4) Without prejudice to rule 12(3), the tribunal shall send to an authorised representative copies of all notices and documents which are by these Rules required or authorised to be sent to the person whom he represents and such representative may take all such steps and do all such things relating to the proceedings as the person whom he represents is by these Rules required or authorised to take or do.

(5) Any document required or authorised by these Rules to be sent or given to any person shall, if sent or given to the authorised representative of that person, be deemed to have been sent or given to that person.

(6) Unless the tribunal otherwise directs, a patient or any other party appearing before the tribunal may be accompanied by such other person or persons as he wishes, in addition to any representative he may have authorised.

Medical examinations

11. At any time before the hearing of the application, the medical member or, where the tribunal includes more than one, at least one of them shall examine the patient and take such other steps as he considers necessary to form an opinion of the patient's mental condition; and for this purpose the patient may be seen in private and all his medical records may be examined by the medical member, who may take such notes and copies of them as he may require, for use in connection with the application.

Disclosure of documents

12.—(1) Subject to paragraph (2), the tribunal shall, as soon as practicable, send a copy of every document it receives which is relevant to the application to the applicant, and (where he is not the applicant) the patient, the responsible Board and, in the case of a restricted patient, or a conditionally discharged patient, the Secretary of State and any of those persons may submit comments thereon in writing to the tribunal.

(2) As regards any documents which have been received by the tribunal but which have not been copied to the applicant or the patient, including documents withheld in accordance with rule 6, the tribunal shall consider whether disclosure of such documents would adversely affect the health or welfare of the patient or others and, if satisfied that it would, shall record in writing its decision not to disclose such documents.

(3) Where the tribunal is minded not to disclose any document to which paragraph (1) applies to an applicant or a patient who has an authorised representative it shall nevertheless disclose it as soon as practicable to that representative if he is:—

- (a) a barrister or solicitor;
- (b) a registered medical practitioner;
- (c) in the opinion of the tribunal, a suitable person by virtue of his experience or professional qualification;

provided that no information disclosed in accordance with this paragraph shall be disclosed either directly or indirectly to the applicant or (where he is not the applicant) to the patient or to any other person without the authority of the tribunal or used otherwise than in connection with the application.

Directions

13. Subject to the provisions of these Rules, the tribunal may give such directions as it thinks fit to ensure the speedy and just determination of the application.

Evidence

14.—(1) For the purpose of obtaining information, the tribunal may take evidence on oath or affirmation and subpoena any witness to appear before it or to produce documents, and the president of the tribunal shall have the powers of a party to a reference under an arbitration agreement conferred by section 14 of the Arbitration Act (Northern Ireland) 1937(a); provided, however, that (a) no person shall be compelled to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action, and (b) the proviso to the said provision shall not apply.

(2) The tribunal may receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law.

Further information

15.—(1) Before or during any hearing the tribunal may call for such further information or reports as it may think desirable, and may give directions as to the manner in which and the persons by whom such material is to be furnished.

(2) Rule 12 shall apply to any further information or reports obtained by the tribunal.

Adjournment

16.—(1) The tribunal may at any time adjourn a hearing for the purpose of obtaining further information or for such other purposes as it may think appropriate.

(2) Before adjourning any hearing, the tribunal may give such directions as it thinks fit for ensuring the prompt consideration of the application at an adjourned hearing.

(3) Where the applicant or the patient (where he is not the applicant) or the responsible Board or, in the case of a restricted patient or a conditionally discharged patient, the Secretary of State requests that a hearing adjourned in accordance with this rule be resumed, the hearing shall be resumed provided that the tribunal is satisfied that resumption would be in the interests of the patient.

(4) Before the tribunal resumes any hearing which has been adjourned without a further hearing date being fixed it shall give to all parties and, in the case of a restricted patient or a conditionally discharged patient, the Secretary of State, not less than 14 days notice (or such shorter notice as all parties may consent to) of the date, time and place of the resumed hearing.

Transfer of proceedings

17. Where any proceedings in relation to a patient have not been disposed of by the members of the tribunal appointed for the purpose, and the chairman is of the opinion that it is not practicable or not possible without undue delay for the consideration of those proceedings to be completed by those members, he shall make arrangements for the proceedings to be disposed of by other members of the tribunal.

(a) 1937 c. 8 (N.I.)

Two or more pending applications

18.—(1) The tribunal may consider more than one application in respect of a patient at the same time and may for this purpose adjourn the proceedings relating to any application.

(2) Where the tribunal considers more than one application in respect of a patient at the same time, each applicant (if more than one) shall have the same rights under these Rules as he would have if he were the only applicant.

Withdrawal of application

19.—(1) An application may be withdrawn at any time at the request of the applicant provided that the request is made in writing and the tribunal agrees.

(2) If a patient ceases to be liable to be detained or subject to guardianship in Northern Ireland, any application relating to that patient shall be deemed to be withdrawn.

(3) Where an application is withdrawn or deemed to be withdrawn, the tribunal shall inform the parties and, in the case of a restricted patient or a conditionally discharged patient, the Secretary of State.

PART IV

THE HEARING

Notice of hearing

20. The tribunal shall give at least 14 days' notice of the date, time and place fixed for the hearing (or such shorter notice as all parties may consent to) to all the parties and, in the case of a restricted patient or a conditionally discharged patient, the Secretary of State.

Privacy of proceedings

21.—(1) The tribunal shall sit in private unless the patient requests a hearing in public and the tribunal is satisfied that a hearing in public would not be contrary to the interests of the patient.

(2) Where the tribunal refuses a request for a public hearing or directs that a hearing which has begun in public shall continue in private the tribunal shall record its reasons in writing and shall inform the patient of those reasons.

(3) When the tribunal sits in private it may admit to the hearing such persons on such terms and conditions as it considers appropriate.

(4) The tribunal may exclude from any hearing or part of a hearing any person or class of persons, other than a representative of the applicant or of the patient to whom documents would be disclosed in accordance with rule 12(3), and in any case where the tribunal decides to exclude the applicant or the patient or their representatives or a representative of the responsible Board, it shall inform the person excluded of its reasons and record those reasons in writing.

(5) Except insofar as the tribunal may direct, information about proceedings before the tribunal and the names of any persons concerned in the proceedings shall not be made public.

Hearing procedure

22.—(1) The tribunal may conduct the hearing in such manner as it considers most suitable bearing in mind the health and interests of the patient and it shall, so far as appears to it appropriate, seek to avoid formality in its proceedings.

(2) At any time before the application is determined, the tribunal or any one or more of its members may interview the patient, and shall interview him if he so

requests, and the interview may, and shall if the patient so requests, take place in the absence of any other person.

(3) At the beginning of the hearing the president shall explain the manner of proceeding which the tribunal proposes to adopt.

(4) Subject to rule 21(4), any party and, with the permission of the tribunal, any other person may appear at the hearing and take such part in the proceedings as the tribunal thinks proper; and the tribunal shall in particular hear and take evidence from the applicant, the patient (where he is not the applicant) and the responsible Board who may hear each other's evidence, put questions to each other, call witnesses and put questions to any witness or other person appearing before the tribunal.

(5) After all the evidence has been given, the applicant and (where he is not the applicant) the patient shall be given a further opportunity to address the tribunal.

PART V

DECISIONS, FURTHER CONSIDERATION AND MISCELLANEOUS PROVISIONS

Decisions

23.—(1) The decision of the majority of the members of the tribunal shall be the decision of the tribunal and, in the event of an equality of votes, the president of the tribunal shall have a second or casting vote.

(2) The decision by which the tribunal determines an application shall be recorded in writing by the tribunal, the record shall be signed by the president and shall give the reasons for the decision and, in particular, where the tribunal relies upon any of the matters set out in Article 77(1) or (3) or Article 78(1) or (2) of the Order, shall state its reasons for being satisfied as to those matters.

(3) Paragraphs (1) and (2) shall apply to provisional decisions and decisions with recommendations as they apply to decisions by which applications are determined.

Communication of decisions

24.—(1) The decision by which the tribunal determines an application may, at the discretion of the tribunal, be announced by the president immediately after the hearing of the case and, subject to paragraph (2), the written decision of the tribunal, including the reasons, shall be communicated in writing within 14 days of the hearing to all the parties and, in the case of a restricted patient or a conditionally discharged patient, the Secretary of State.

(2) Where the tribunal considers that the full disclosure of the recorded reasons for its decisions to the patient in accordance with paragraph (1) would adversely affect the health management, or welfare of the patient or others, the tribunal may instead communicate its decision to him in such manner as it thinks appropriate and may communicate its decision to the other parties subject to any conditions it may think appropriate as to the disclosure thereof to the patient; provided that, where the applicant or the patient was represented at the hearing by a person to whom documents would be disclosed in accordance with rule 12(3), the tribunal shall disclose the full recorded grounds of its decision to such a person, subject to any conditions it may think appropriate as to disclosure thereof to the patient.

(3) Paragraphs (1) and (2) shall apply to provisional decisions and decisions with recommendations as they apply to decisions by which applications are determined.

(4) Where the tribunal makes a decision with recommendations, the decision shall specify the period at the expiration of which the tribunal will consider the case further in the event of those recommendations not being complied with.

Further consideration

25.—(1) Where the tribunal has made a provisional decision, any further decision in the proceedings may be made without a further hearing.

(2) Where the tribunal has made a decision with recommendations and, at the end of the period referred to in rule 24(4), it appears to the tribunal after making appropriate enquiries of the responsible Board that any such recommendation has not been complied with, the tribunal may reconvene the proceedings after giving to all parties and, in the case of a restricted patient, the Secretary of State not less than 14 days' notice (or such shorter notice as all parties may consent to) of the date, time and place fixed for the hearing.

Time

26.—(1) Where the time prescribed by or under these Rules for doing any act expires on a Saturday, Sunday or public holiday, the act shall be in time if done on the next working day.

(2) The time appointed by these Rules for the doing of any act may, in the particular circumstances of the case, be extended or, with the exception of the periods of notice specified in rule 16(4), rule 20 and rule 25(2), abridged by the tribunal on such terms (if any) as it may think fit.

Service of notices, etc.

27. Any document required or authorised by these Rules to be sent or given to any person may be sent by prepaid post or delivered:—

- (a) in the case of a document directed to the tribunal or chairman, to the tribunal office;
- (b) in any other case, to the last known address of the person to whom the document is directed.

Irregularities

28. Any irregularity resulting from failure to comply with these Rules before the tribunal has determined an application shall not of itself render the proceedings void, but the tribunal may, and shall, if it considers that any person may have been prejudiced, take such steps as it thinks fit before determining the application to cure the irregularity, whether by the amendment of any document, the giving of any notice, the taking of any step or otherwise.

PART VI

REFERENCES

References by the Attorney-General, the Department, the Master (Care and Protection), the Secretary of State or the Commission

29. The tribunal shall consider a reference by the Attorney-General, the Department, the Master (Care and Protection), the Secretary of State or the Commission as if there had been an application by the patient and the provision of these Rules shall apply with the following modifications—

- (a) rules 3, 4, 9 and 19 shall not apply;
- (b) the tribunal shall, on receipt of the reference, send notice thereof to the patient and the responsible Board;
- (c) rules 5, 6 and 7 shall apply as if rule 6(1) referred to the notice of reference;
- (d) rule 24 shall apply as if "party" includes, as appropriate, the Attorney-General, the Department, the Master (Care and Protection) or the Commission;

- (e) any reference to which this rule relates, except a reference made by the Secretary of State in circumstances in which he is by the terms of the Order obliged to make a reference may be withdrawn by the person or body making it at any time before it is determined by the tribunal, and, where a reference is so withdrawn, the tribunal shall inform the patient and the other parties that the reference has been withdrawn.

References by responsible Boards

30. The tribunal shall consider a reference by a responsible Board as if there had been an application by the patient and the provisions of these Rules shall apply with the following modifications:—

- (a) rules 3, 4, 9 and 19 shall not apply;
- (b) the tribunal shall, on receipt of the reference, send notice thereof to the patient and shall also send a request to the responsible Board for the Board's statement;
- (c) rules 5, 6 and 7 shall apply as if rule 6(1) referred to the request for the Board's statement instead of the notice of application;
- (d) in respect of any reference under this rule, the tribunal, in its absolute discretion, having taken any such steps as it considers proper (including interviewing any person) to satisfy itself that it is, in all the circumstances of the case, appropriate to do so, may decide not to hold a hearing or make a determination; and where the tribunal so decides it shall notify the responsible Board of its decision including its reasons.

PART VII

TRANSITIONAL PROVISIONS AND REVOCATIONS

Transitional provisions

31. These Rules shall apply, so far as practicable, to any proceedings pending at the date on which they come into operation and, where their operation is excluded by virtue of the foregoing provision of this Rule, the rules in force immediately before that date shall continue to apply to such proceedings.

Revocations

32. Subject to rule 31, the Mental Health Review Tribunal (Northern Ireland) Rules 1962(a) are hereby revoked.

Dated 25th June 1986.

Hailsham of St. Marylebone, C.

SCHEDULE

STATEMENTS BY THE RESPONSIBLE BOARD AND THE SECRETARY OF STATE

PART A

INFORMATION RELATING TO PATIENT (OTHER THAN CONDITIONALLY DISCHARGED PATIENTS)

1. The full name of the patient.
2. The age of the patient.
3. The date of admission of the patient to the hospital in which the patient is currently detained or liable to be detained, or of the reception of the patient into guardianship.
4. Details of the original authority for the detention or guardianship of the patient, including the statutory provision by reference to which detention or guardianship was authorised and details of any subsequent renewal of or change in the authority for detention or guardianship.
5. The form of mental disorder from which the patient is recorded as suffering in the authority for detention or guardianship. (Not applicable to cases within Article 49 of the Order).
6. The name of the responsible medical officer and the period which the patient has spent under the care of that officer.
7. Where another registered medical practitioner is or has recently been largely concerned in the treatment of the patient, the name of that practitioner and the period which the patient has spent under his care.
8. The dates of all previous tribunal hearings in relation to the patient, the decisions reached at such hearings and the reasons given. (In restricted patient cases this requirement does not relate to decisions before 31st July 1986).
9. Details of any proceedings in the High Court in relation to the patient's property and affairs and of any order for the appointment of a controller made in respect of the patient.
10. The name and address of the patient's nearest relative or of any other person who is exercising that function.
11. The name and address of any other person who takes a close interest in the patient.
12. Details of any leave of absence granted to the patient during the previous 2 years, including the duration of such leave and particulars of the arrangements made for the patient's residence while on leave.

PART B

REPORTS RELATING TO PATIENTS (OTHER THAN CONDITIONALLY DISCHARGED PATIENTS)

1. An up-to-date medical report prepared for the tribunal, including the relevant medical history and a full report on the patient's mental condition.
2. An up-to-date social circumstances report prepared for the tribunal including reports on the following:—
 - (a) the patient's home and family circumstances, including the attitude of the patient's nearest relative or the person so acting;
 - (b) the opportunities for employment or occupation and the housing facilities which would be available to the patient if discharged;
 - (c) the availability of community support and relevant medical facilities;
 - (d) the financial circumstances of the patient.
3. The views of the responsible Board on the suitability of the patient for discharge.
4. Any other information or observation on the application which the responsible Board wishes to make.

PART C

INFORMATION RELATING TO CONDITIONALLY DISCHARGED PATIENTS

1. The full name of the patient.
2. The age of the patient.
3. The history of the patient's present liability to detention including details of offence(s), and the dates of the original order or direction and of the conditional discharge.
4. The form of mental disorder from which the patient is recorded as suffering in the authority for detention. (Not applicable to cases within Article 49 of the Order).
5. The name and address of any medical practitioner responsible for the care and supervision of the patient in the community and the period which the patient has spent under the care of that practitioner.
6. The name and address of any social worker or probation officer responsible for the care and supervision of the patient in the community and the period which the patient has spent under the care of that person.

PART D

REPORTS RELATING TO CONDITIONALLY DISCHARGED PATIENTS

1. Where there is a medical practitioner responsible for the care and supervision of the patient in the community, an up-to-date medical report prepared for the tribunal including the relevant medical history and a full report on the patient's mental condition.
2. Where there is a social worker or probation officer responsible for the patient's care and supervision in the community, an up-to-date report prepared for the tribunal on the patient's progress in the community since discharge from hospital.
3. A report on the patient's home circumstances.
4. The views of the Secretary of State on the suitability of the patient for absolute discharge.
5. Any other observations on the application which the Secretary of State wishes to make.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules substitute for the Mental Health Review Tribunal (Northern Ireland) Rules 1962 a new code of procedure to be followed in proceedings before the Mental Health Review Tribunal. The procedure has been revised and up-dated generally. Some amendments have also been made to take account of recent legislative changes introduced by the Mental Health (Northern Ireland) Order 1986. Under the Rules, essentially the same procedure will apply in all types of case, although in the case of references, it is subject to appropriate modification.

Rule 3 sets out the requirements for making an application; there are no prescribed forms. Rule 5 allows the chairman (or deputy chairman) of the tribunal to exercise specified powers of the tribunal in the period before the tribunal itself convenes. Rule 6 is to be read with the Schedule and specifies the information to be supplied to the tribunal by the responsible Board or, in the case of a restricted patient or a conditionally discharged patient, the Secretary of State.

Rule 10 governs the right to representation and empowers the tribunal to authorise a representative for a patient who has omitted to exercise that right. Patients and other parties may also be accompanied before the tribunal by other persons of their choice. Rule 12 requires the tribunal to send copies of all documents it receives to the applicant (and if different, the patient) unless the tribunal considers that disclosure would adversely affect the health or welfare of the patient or others. All such documents must be disclosed to any representative of an applicant or patient who falls within certain specified categories. Rule 13 gives the tribunal a discretion to give directions to ensure the speedy and just determination of the case. There is a similar provision in rule 16 in relation to adjustments.

Rule 20 provides for the minimum period of notice of the hearing date to be 14 days. Fourteen days is also the minimum period of notice for resumption of an adjourned hearing (rule 16). Rule 21 is concerned with privacy of the proceedings. The tribunal has discretion to exclude anyone from the hearing or part of it but this does not extend to certain specified categories of representative of the applicant or patient. Rule 22 sets out the procedure to be followed at the hearing.

Rule 23 requires the tribunal to record its final decision in writing with reasons. Rule 24 empowers the president of the tribunal to announce the decision immediately after the case, and requires the tribunal to send a written decision, with reasons, to the parties within 14 days unless the tribunal considers that this would adversely affect the health or welfare of the patient or others. Rule 25(1) provides that where the tribunal makes a provisional decision (defined in rule 2) it may make a further decision without another hearing. Rule 25(2) empowers the tribunal to reconvene in a case in which it has made a decision with recommendations (defined in rule 2) and it appears that the recommendations have not been complied with.

Rules 29 and 30 apply the procedure laid down by the Rules to references as well as applications subject to certain minor modifications. Rule 30 allows the tribunal, in certain circumstances to decide not to hold a hearing or make a determination in respect of a reference by a responsible Board.

Rule 32 revokes the earlier rules which these Rules supersede.