



Mental Health Act 1983

1983 CHAPTER 20

PART VII

MANAGEMENT OF PROPERTY AND AFFAIRS OF PATIENTS

106 Rules of procedure

- (1) Proceedings before the judge with respect to persons suffering or alleged to be suffering from mental disorder (in this section referred to as "proceedings") shall be conducted in accordance with the provisions of rules made under this Part of this Act.
- (2) Rules under this Part of this Act may make provision as to—
 - (a) the carrying out of preliminary or incidental inquiries;
 - (b) the persons by whom and manner in which proceedings may be instituted and carried on;
 - (c) the persons who are to be entitled to be notified of, to attend, or to take part in proceedings;
 - (d) the evidence which may be authorised or required to be given in proceedings and the manner (whether on oath or otherwise and whether orally or in writing) in which it is to be given;
 - (e) the administration of oaths and taking of affidavits for the purposes of proceedings; and
 - (f) the enforcement of orders made and directions given in proceedings.
- (3) Without prejudice to the provisions of section 104(1) above, rules under this Part of this Act may make provision for authorising or requiring the attendance and examination of persons suffering or alleged to be suffering from mental disorder, the furnishing of information and the production of documents.
- (4) Rules under this Part of this Act may make provision as to the termination of proceedings, whether on the death or recovery of the person to whom the proceedings relate or otherwise, and for the exercise, pending the termination of the proceedings, of powers exercisable under this Part of this Act in relation to the property or affairs of a patient.

Status: This is the original version (as it was originally enacted).

- (5) Rules under this Part of this Act made with the consent of the Treasury may—
- (a) make provision as to the scale of costs, fees and percentages payable in relation to proceedings, and as to the manner in which and funds out of which such costs, fees and percentages are to be paid;
 - (b) contain provision for charging any percentage upon the estate of the person to whom the proceedings relate and for the payment of costs, fees and percentages within such time after the death of the person to whom the proceedings relate or the termination of the proceedings as may be provided by the rules; and
 - (c) provide for the remission of fees and percentages.
- (6) A charge upon the estate of a person created by virtue of subsection (5) above shall not cause any interest of that person in any property to fail or determine or to be prevented from recommencing.
- (7) Rules under this Part of this Act may authorise the making of orders for the payment of costs to or by persons attending, as well as persons taking part in, proceedings.