

1960 No. 1139

MENTAL HEALTH

The Mental Health Review Tribunal Rules, 1960

<i>Made - - - -</i>	<i>5th July, 1960</i>
<i>Laid before Parliament</i>	<i>12th July, 1960</i>
<i>Coming into Operation</i>	<i>1st November, 1960</i>

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 124 of the Mental Health Act, 1959(a), and all other powers enabling me in that behalf, and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act, 1958(b), do hereby make the following rules:—

PART I

INTRODUCTORY

Title and commencement

1. These Rules may be cited as the Mental Health Review Tribunal Rules, 1960, and shall come into operation on the first day of November, 1960.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

“the Act” means the Mental Health Act, 1959;

“applicant” means a person who under the Act is entitled to apply, or being so entitled has applied, as the case may be, to a Mental Health Review Tribunal; and “application” shall be construed accordingly;

“displaced relative” in relation to a patient means the nearest relative of the patient whose functions under the Act are exercisable by another person in pursuance of an order made under section 52 or section 53 of the Act;

“the Minister” means the Minister of Health;

“nearest relative” in relation to a patient means the person who has for the time being the functions under the Act of the nearest relative of that patient;

“officer” in relation to a hospital management committee includes any officer employed at, or for the purposes of, a hospital under the management of the committee notwithstanding that the officer is an officer of the regional hospital board in accordance with the provisions of section 14 of the National Health Service Act, 1946(c);

“patient” in relation to an application means the person in respect of whom the application is made;

“private guardian” in relation to a patient means a person, other than a local health authority, who acts as guardian under the Act;

(a) 7 & 8 Eliz. 2. c. 72.

(b) 6 & 7 Eliz. 2. c. 66.

(c) 9 & 10 Geo. 6. c. 81.

“reference” includes a reference by the Minister under section 57 of the Act and a reference by the Secretary of State under subsection (6) of section 66 of the Act ;

“responsible authority” means—

(a) in relation to a patient liable to be detained under the Act in a hospital or mental nursing home, the managers of the hospital or home as defined in subsection (1) of section 59 of the Act ; and

(b) in relation to a patient subject to guardianship, the responsible local health authority as defined in subsection (4) of that section ;

“the tribunal” in relation to an application means the members of the Mental Health Review Tribunal for the Regional Hospital Board area in which the patient is liable to be detained or is subject to guardianship who have been appointed to exercise the jurisdiction of the tribunal for the purpose of the application or the class or group of applications to which that application belongs ; or, where members have not been so appointed, the Mental Health Review Tribunal for that area.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

PART II

PRELIMINARY PROCEDURE

Method of making application

3.—(1) An application shall be made by an applicant, or any person authorised by him to apply on his behalf, on the appropriate form of application set out in the First Schedule to these Rules and shall be sent to the tribunal.

(2) The tribunal or the responsible authority shall on request supply the appropriate form of application to an applicant.

(3) When the applicant requests a formal hearing that fact shall be stated in his application.

Power to postpone consideration of application

4.—(1) Where an application by or in respect of a patient has been considered and determined by a tribunal for the same or any other area, the tribunal or the chairman of 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 time as they or he may direct, not being later than the expiration of the period of twelve months from the date on which the previous application was determined.

(2) The power of postponement conferred by the last foregoing paragraph shall not apply to—

(a) any application if the previous application was determined before a break or change in the authority for the patient’s detention or guardianship within the meaning of this rule ;

(b) an application under section 38 of the Act (which relates to the reclassification of patients) ;

- (c) an application under section 43 of the Act in respect of a renewal of authority for detention of the patient for a period of one year, unless the previous application was made to the tribunal more than six months after the patient's admission to hospital or reception into guardianship ;
- (d) an application under section 44 of the Act (which authorises the continued detention of certain psychopathic and subnormal patients)
- (e) an application under section 48 of the Act (which imposes restrictions on discharge by the nearest relative) ; and
- (f) an application under paragraph 13 of the Sixth Schedule to the Act (which relates to the unfitness for discharge of certain patients).

(3) Where the consideration of an application is postponed, the tribunal or the chairman of the tribunal shall so inform the applicant and any other person to whom a copy or a notice of the application has been sent.

(4) Where the consideration of an application is postponed any action which may have been taken on the application under the provisions of rules 5 to 8 shall be disregarded, and consideration of the application shall proceed as if the application had been made at the expiration of the period of postponement, unless before that date the application has been withdrawn or is deemed to be withdrawn in accordance with the provisions of rule 16, or has been determined in accordance with the next following paragraph.

(5) Where a new application is made in respect of a patient and is not postponed under this rule, the tribunal or the chairman of 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.

(6) For the purposes of this rule 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 treatment 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 IV or Part V of the Act 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 ; or
- (d) on his transfer from guardianship to hospital in pursuance of regulations made under section 41 of the Act.

Notice to responsible authority

5. The tribunal shall on receipt of an application or, where the consideration of the application has been postponed, at the end of the period of postponement send a copy of the application to the responsible authority.

Authority's statement

6.—(1) The responsible authority shall send to the tribunal, as soon as practicable and in any case within three weeks of the receipt by them of the copy of the application, a statement (in these Rules called "the authority's statement") containing the information referred to in the Second Schedule to

these Rules, so, however, that any part of the authority's statement which in their opinion should be withheld from the applicant on the grounds that its disclosure would be undesirable in the interests of the patient or for other special reasons shall be made in a separate document and the authority shall specify their reasons for not wishing the information contained in such document to be disclosed to the applicant.

(2) The tribunal shall on receipt of the authority's statement send to the applicant a copy of the statement excluding any part thereof which is contained in a separate document in accordance with the last foregoing paragraph.

(3) The tribunal shall inform the responsible authority of any comments on the authority's statement which they may receive from the applicant and shall give the responsible authority an opportunity of considering any such comments and shall, if the responsible authority so request, supply them with a copy thereof.

Notice to other persons interested

7. The tribunal shall on receipt of the authority's statement give notice of the application—

- (a) where the patient is liable to be detained in a mental nursing home, to the registration authority of that home ;
- (b) where the patient is subject to the guardianship of a private guardian, to the guardian ;
- (c) where the applicant is the patient or the displaced relative, to the person named in the authority's statement as exercising the functions of the nearest relative ; and
- (d) where a regional hospital board has a right to discharge the patient under the provisions of subsection (3) of section 47 of the Act, to that board ;

and shall inform the person to whom notice is given, in the form set out in the Third Schedule to these Rules or a form substantially to the like effect, of the arrangements which will be made for determining the application.

Appointment of tribunal

8.—(1) The chairman or other member of the tribunal appointed to act on his behalf in accordance with paragraph 4 of the First Schedule to the Act shall, on receipt of the authority's statement, or on receipt of a reference from the Secretary of State, appoint the members of the tribunal to consider and determine or advise on the application or reference unless it belongs to a class or group of proceedings for which members have already been appointed.

(2) A person shall not be qualified to serve as a member of a tribunal to consider an application or reference where—

- (a) he has any interest in the patient ;
- (b) he is a member or officer of the responsible authority or of the registration authority concerned in the proceedings ; or
- (c) he is a member or headquarters officer of a regional hospital board which has a right to discharge the patient under subsection (3) of section 47 of the Act.

(3) In the last foregoing paragraph the expression " headquarters officer " means an officer of the regional hospital board other than one who in that capacity is employed solely at or for the purposes of hospitals under the control and management of a hospital management committee.

Two or more pending applications

9. 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.

PART III

GENERAL PROVISIONS AS TO PROCEDURE

Representation

10.—(1) The applicant, the responsible authority and any person to whom notice of the application has been given under the provisions of rule 7 may be represented by any person authorised in that behalf, not being a person liable to be detained or subject to guardianship under the Act or a person receiving treatment for mental disorder at the same hospital or mental nursing home as the patient by or in respect of whom the application is made.

(2) An authorised 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.

(3) Unless the tribunal otherwise direct, a patient or other person appearing before the tribunal may be accompanied by such other person or persons as he wishes.

Medical examination

11. The medical member of the tribunal appointed to consider the application shall, or where there is more than one medical member the medical members may and one shall, examine the patient or take such other steps as he or they consider necessary to form an opinion of the patient's mental condition; and for this purpose the patient may be seen in private and his medical records examined.

Interview with patient

12.—(1) The tribunal may at any time before determining the application interview the patient and shall interview him if he so requests, and such interview may take place in private or in the presence of the applicant or any other person as the tribunal think fit.

(2) Where they think it appropriate the tribunal may authorise any one or more of their members to visit and interview the patient in private.

Disclosure of information

13.—(1) Except in so far as the tribunal consider it undesirable to do so in the interests of the patient or for other special reasons, they shall make available to the applicant any part of the authority's statement which has been withheld from him under the provisions of rule 6 and shall on request make available to the applicant and the responsible authority copies of any other documents obtained by or furnished to the tribunal for the purposes of the application and a statement of the substance of any oral information so obtained or furnished, and shall if so requested adjourn the hearing of the application so far as may in the opinion of the tribunal be necessary to enable the applicant or the responsible authority to consider any document or information made available under this paragraph:

Provided that the tribunal may refuse to supply copies of any document, or of any part of any document, or a statement of any oral information which appears to them not to be relevant for the purposes of the application.

(2) The tribunal may disclose to any person any information withheld under the provisions of these Rules on terms that the information shall not be disclosed to the applicant or the patient or to any other person or be used otherwise than in connection with the application.

Evidence

14.—(1) For the purposes of obtaining information, the tribunal may take evidence on oath and subpoena any witness to appear before them or to produce documents and the president of the tribunal shall accordingly have the powers of an arbitrator under subsection (3) of section 12 of the Arbitration Act, 1950(a) and the powers of a party to a reference under an arbitration agreement under subsection (4) of that section, but 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.

(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.

Adjournment

15. Subject to the provisions of paragraph (2) of rule 26 and of rule 28, the tribunal may adjourn the hearing of any evidence or representations or the consideration of an application to such date as they may determine.

Withdrawal of application

16. An applicant may withdraw his application at any time on giving notice in writing to the tribunal and an application shall be deemed to be withdrawn if the patient ceases to be liable to be detained or subject to guardianship in England or Wales.

PART IV

INFORMAL DETERMINATIONS AND REFERENCES BY MINISTER OR SECRETARY OF STATE

Informal determinations

17.—(1) Where the applicant has not requested a formal hearing, the tribunal may, subject to the provisions of this rule, determine an application in such manner as they think appropriate.

(2) Before determining the application the tribunal shall—

- (a) take all such steps as they consider proper (including interviewing any person) to ensure that they have before them the information necessary to decide the case ; and
- (b) give to the applicant, the responsible authority and any person to whom notice of the application has been given under the provisions of rule 7, an opportunity of an interview with the tribunal, at a time and place of which at least seven days' notice shall be given unless the person concerned has disclaimed any interest in the application ; and
- (c) consider any written representations made to them with reference to the application.

(a) 14 Geo. 6. c. 27.

(3) Any person interviewed by the tribunal shall be given the opportunity of stating his views and drawing the attention of the tribunal to any evidence or information relevant to the application.

References by the Minister

18. The tribunal shall consider a reference by the Minister as if it were an application by a patient who had not requested a formal hearing and the provisions of these Rules shall apply to the reference as if it were such an application with the following modifications—

- (a) rules 4 and 16 shall not apply ;
- (b) in rules 5 and 6 for the words “ copy of the application ” there shall be substituted the words “ notification of the reference ” ;
- (c) paragraphs (3) and (5) of rule 27 shall apply with the substitution of references to the Minister for references to the applicant ; and
- (d) the Minister may if he thinks fit withdraw the reference at any time before it is determined by the tribunal.

References by the Secretary of State

19. The tribunal shall consider a reference by the Secretary of State in whatever informal manner they think appropriate and may on any such reference interview the patient and shall interview him if he so requests ; and after considering the reference the tribunal shall give their advice thereon to the Secretary of State.

Proceedings in private

20. All proceedings to which this Part of these Rules apply shall take place in private but the tribunal may, if they think fit, authorise any person to attend.

PART V

FORMAL HEARINGS

Application of Part V

21. This Part of these Rules shall apply only to proceedings in which the applicant has requested a formal hearing.

Notice of hearing

22. The tribunal shall give at least seven days' notice of the date, time and place fixed for the hearing to the applicant, the responsible authority, any person who has received a notice of the application under the provisions of rule 7, and to any other person who, in the opinion of the tribunal, should have an opportunity of being heard.

Decision as to formal hearing

23. Where the applicant who has requested a formal hearing is the patient, the tribunal may, before proceeding to hear the application, consider whether a formal hearing would be detrimental to his health and shall do so if the authority's statement includes an opinion by the responsible medical officer that a formal hearing would be so detrimental ; and where

the tribunal are of opinion that a formal hearing would be detrimental to the health of the patient, the application shall be determined in accordance with the provisions of rule 17 as if the applicant had not requested a formal hearing.

Privacy of proceedings

24.—(1) The tribunal shall sit in private unless the applicant requests a hearing in public and the tribunal are satisfied that a hearing in public would not be detrimental to the interests of the patient and would not for any other reason be undesirable.

(2) When sitting in private the tribunal may admit to the hearing any person or class of persons on such terms and conditions as they consider appropriate.

(3) The tribunal may exclude from any hearing any person or class of persons they think fit; and may exclude the patient or any other person while they are hearing evidence if, in their opinion, it would be undesirable in the interests of the patient or for other special reasons for the patient or such other person to be present.

(4) Except in so far 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.

(5) Nothing in this rule shall prevent a member of the Council on Tribunals from attending the hearing in his capacity as such.

Procedure

25.—(1) Subject to the provisions of this rule, any person who has received notice of the hearing may appear and take such part in the proceedings as the tribunal think proper.

(2) The tribunal shall give an opportunity to the applicant to address the tribunal, to give evidence and call witnesses; and the responsible authority, and with the permission of the tribunal any other person, may put questions to the applicant or to any witness called by him or on his behalf.

(3) The tribunal shall give the responsible authority and any other person notified of the hearing under the provisions of rule 22 an opportunity to address them, to give evidence and to call witnesses and may permit any other person whom they think fit to do so; and the applicant and the responsible authority, and with the permission of the tribunal any other person, may put questions to any person giving evidence before the tribunal.

(4) Where the patient is the applicant or is called as a witness, the tribunal may if they consider it desirable in the interests of the patient's health to do so interview the patient or take his evidence in private or in any manner they think appropriate.

Adjournment for further information

26.—(1) Where it appears to the tribunal that it is desirable to obtain further information on any point, the tribunal may adjourn for the information to be obtained in such manner as they may direct or for the applicant or any other person concerned to produce the information.

(2) Where after any such adjournment the tribunal consider that a resumed hearing is desirable or where a resumed hearing is requested by the applicant or the responsible authority, not less than seven days' notice thereof (or such shorter notice as all persons concerned may agree) shall be given to the applicant, to the responsible authority and to any other person who was notified of the hearing under the provisions of rule 22 and who appeared at the previous hearing.

PART VI

DECISIONS AND MISCELLANEOUS PROVISIONS

Decisions

27.—(1) The decision of the majority of the members of the tribunal appointed to consider an application 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 of the tribunal on the application shall be recorded in the form prescribed in the Fourth Schedule to these Rules and signed by the president.

(3) The decision of the tribunal shall be communicated in writing within seven days to the applicant, the responsible authority, the patient (where he is not the applicant) and to such other persons as the tribunal may direct, and the tribunal shall at the same time inform the applicant and the responsible authority of their right to request reasons for the decision in accordance with paragraph (5) of this rule :

Provided that where the tribunal consider that it would not be desirable to communicate their decision in writing to the patient (where he is not the applicant) it shall be communicated to him in such manner as the tribunal think appropriate.

(4) The reasons for the tribunal's decision shall be recorded in the form prescribed in the Fifth Schedule to these Rules and signed by the president.

(5) The applicant and the responsible authority may, within three weeks after receiving notice in writing of the decision, request the tribunal to give their reasons, and the tribunal shall comply with any such request except where they consider that it would be undesirable to do so in the interests of the patient or for other special reasons.

(6) Subject to the provisions of this rule, the tribunal may, where they think it proper to do so, prohibit the publication of the text or a summary of the whole or part of their decision or of their reasons, or direct that the text or summary may be published only to such persons and on such conditions as they may prescribe.

Transfer of proceedings

28.—(1) Where an application or reference has not been disposed of by the members of the tribunal appointed for the purpose and the chairman of the tribunal is of opinion that it is not practicable or not possible without undue delay for the consideration of the application or reference to be completed by those members, he shall make arrangements for it to be disposed of by other members of the tribunal.

(2) Where a patient in respect of whom an application or reference is pending moves to the area of another tribunal, the proceedings shall, if the chairman of the tribunal to whom the application or reference was made so directs, be transferred to the tribunal for the area to which the patient has moved, and that tribunal shall have power to deal with the application or reference as if it had been made to them.

Time

29.—(1) Where the time prescribed by or under these Rules for doing any act expires on a Sunday or public holiday and by reason thereof the act cannot be done on that day, 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 be extended by the tribunal or the chairman of the tribunal on such terms (if any) as they or he may think fit and such extension may be granted although the application for extension is not made until after the expiration of the time appointed.

Service of notices, etc.

30. Any application, notice or other 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 of the tribunal, to their office,

(b) in any other case, to the last known address of the person to whom the document is directed ;

and if sent or given to the authorised representative of any person shall be deemed to be sent or given to that person.

Irregularities

31. Any irregularity resulting from failure to comply with these Rules before the tribunal have reached their decision shall not of itself render the proceedings void, but the tribunal may, and shall if they consider that any person may have been prejudiced, take such steps as they think fit before reaching their decision to cure the irregularity, whether by the amendment of any document, the giving of any notice, the taking of any step or otherwise.

Dated the fifth day of July, 1960.

Kilmuir, C.

FIRST SCHEDULE

Rule 3.

FORM 1

Application by patient in hospital or mental nursing home or under guardianship

I [name and address of patient] hereby apply to the Mental Health Review Tribunal for the Regional Hospital Board Area in accordance with [state section of Act or paragraph of Sixth Schedule to Act under which application is made] of the Mental Health Act, 1959.

*I am detained in [name and address of hospital or mental nursing home] or *I am in the guardianship of [name and address of guardian].

*Delete which-ever does not apply.

Details of application

[The applicant may give his/her reasons for making the application. If a formal hearing is desired—see Note at end of form—this should be stated here.]

Signature of patient or person authorised to sign on his behalf.....

Date.....

Note on Tribunal's powers as to postponement, informal determination and formal hearings

Under the Mental Health Review Tribunal Rules, 1960, the Tribunal may (subject to certain exceptions) postpone consideration of an application if a previous application in respect of the same patient has been considered by the same or another Mental Health Review Tribunal during the preceding twelve months.

You may request a formal hearing. This means that everyone interested in the application will come before the Tribunal at the same time unless for special reasons the Tribunal think it desirable to exclude any person. If you do not request a formal hearing, the application will be determined informally in such manner as the Tribunal consider appropriate. In all cases you will be examined by the medical member of the Tribunal and will be entitled to an interview with all the members of the Tribunal appointed to deal with the application.

The Tribunal may also deal with the application informally even if you have requested a formal hearing if the Tribunal consider that a formal hearing would be detrimental to your health.

FORM 2

Application by patient's nearest relative or by displaced relative

1. I [name and address of applicant] hereby apply to the Mental Health Review Tribunal for the Regional Hospital Board Area in accordance with [state section of Act or paragraph of Sixth Schedule to Act under which application is made] of the Mental Health Act, 1959, in respect of [name of patient] who is detained in [name and address of hospital or mental nursing home] or is in the guardianship of [name and address of guardian].

Delete which-ever does not apply.

2. I am—

(a) the patient's nearest relative within the meaning of the Act, being his/her [state relationship], and am exercising the functions of nearest relative.

or

(b) the patient's nearest relative within the meaning of the Act, being his/her [state relationship], but was divested of the functions of nearest relative by an order of the [name of court] County Court made on [date of order].

Delete (a), (b) or (c) as appropriate.

Delete which-
ever does not
apply.

or

(c) authorised to exercise the functions of the patient's nearest relative by
a county court
the patient's nearest relative and a copy* of the authority is attached to
this application.

3. Details of application

[The applicant should here give ^{his}/_{her} reasons for making the application. If
a formal hearing is desired—see Note at end of form—this should also be stated
here.]

Signature of applicant or person
authorised to sign on his behalf.....

Date.....

* Copy of county court order or of form of authority signed by nearest relative.

Note on Tribunal's powers as to postponement, informal
determination and formal hearings

Under the Mental Health Review Tribunal Rules, 1960, the Tribunal may
(subject to certain exceptions) postpone consideration of an application if a
previous application in respect of the same patient has been considered by the
same or another Mental Health Review Tribunal during the preceding twelve
months.

You may request a formal hearing. This means that everyone interested
in the application will come before the Tribunal at the same time unless for
special reasons the Tribunal think it desirable to exclude any person. If you
do not request a formal hearing, the application will be determined informally
in such manner as the Tribunal consider appropriate. In all cases the patient
will be examined by the medical member of the Tribunal, and you and the
patient (if he so requests) will be entitled to an interview with all the members
of the Tribunal appointed to deal with the application.

Rule 6.

SECOND SCHEDULE

STATEMENT BY RESPONSIBLE AUTHORITY

A. Facts for the information of the Tribunal, so far as known to the authority

1. Patient's full name.
2. Patient's age.
3. Date of patient's admission to hospital or mental nursing home in which
now detained, or reception into guardianship.
4. History of present authority for detention or guardianship, *i.e.*, date of
admission, section of the Act under which made, and date of any subsequent
renewals or transfer, or removal of restriction on discharge.
5. Form or forms of mental disorder from which patient is recorded as
suffering in the authority for detention (as amended by any reclassification
under section 38 or 123 of the Act).
6. Name and address of patient's nearest relative or, if some other person
is exercising functions of nearest relative, that person.
7. If patient is being treated in a mental nursing home under contractual
arrangements with a Regional Hospital Board, name of that Board.
8. If the responsible authority consider the applicant not entitled under the
Act to make the application, reasons for this opinion.

B. Reports

1. Statement of reasons why the responsible authority are not themselves willing to discharge the patient (including a report on the patient's mental condition and an account of the facilities available for care of the patient if the authority for detention or guardianship were discharged) or, in case of an application under section 44 or 48 or paragraph 13 of the Sixth Schedule to the Act, the grounds on which the authority consider the special criteria described in those sections or that paragraph to be established.

2. If applicant is the patient and has requested a formal hearing, opinion of responsible medical officer as to whether this would be detrimental to the patient's health.

3. Any other observations on the application.

Rule 7.

THIRD SCHEDULE

NOTICE TO REGISTRATION AUTHORITY, GUARDIAN OR NEAREST RELATIVE

1. An application has been received by the Mental Health Review Tribunal for the Regional Hospital Board Area from in respect of [name of patient] who is detained in [name of hospital or mental nursing home] under the guardianship of [name of guardian] under the Mental Health Act, 1959.

2. This notice is sent to you in your capacity as—

(a) the registration authority.

or

(b) the guardian.

or

(c) the person exercising the functions of the patient's nearest relative.

or

(d) a Regional Hospital Board having power to discharge the patient.

Delete the descriptions which do not apply.

3. The applicant has has not requested a formal hearing of the application.

Delete whichever does not apply.

4.—(a) The Tribunal intend to meet to consider the application on [date and time] at [place].

or

(b) You will be informed later of the date and place at which the Tribunal intend to meet to consider the application.

Delete (a) or (b) as appropriate.

5. You may, if you wish,—

(a) attend personally (accompanied by any persons you wish), or

(b) authorise some other person (including, if you are the registration authority or hospital board, one of your members or officers) to attend on your behalf

at the meeting of the Tribunal and may then make such representations to the Tribunal as you wish.

6. If you wish, you may send to the Tribunal in writing at any time before they meet any observations you wish to make relevant to the application.

7. If you send written observations, please say whether you also wish to attend personally be represented when the Tribunal meet.

Signed
on behalf of the Tribunal

Date.....

Address of Tribunal.....

.....
.....

Rule 27(2).

FOURTH SCHEDULE

DECISION OF THE MENTAL HEALTH REVIEW TRIBUNAL

1. The application made to the Mental Health Review Tribunal for the Regional Hospital Board Area on [date of application] by [name of applicant] in respect of [name of patient] under [section under which application made] of the Mental Health Act, 1959, has been considered by members appointed for this purpose.

2. The Tribunal hereby direct that [name of patient] be discharged from detention in [name of hospital or mental nursing home] under the Act. the guardianship of [name of guardian]

Delete (a) or (b) as appropriate.

3. (a) The Tribunal are satisfied that [name of patient] is now suffering from *(mental illness) (severe sub-normality) (sub-normality) (psychopathic disorder) and hereby direct that the classification shown on the authority for the patient's detention guardianship [i.e. original classification as amended by any previous reclassification] shall be amended accordingly.

*Delete words which do not apply.

or (b) The Tribunal have decided to make no direction for reclassification.

Signed..... (President of the Tribunal)

Date.....

Rule 27(4).

FIFTH SCHEDULE

REASONS FOR DECISION OF THE MENTAL HEALTH REVIEW TRIBUNAL

(The reasons should indicate whether the Tribunal are or are not satisfied on such of the matters mentioned in section 123 or paragraph 13 of the Sixth Schedule to the Act as are relevant to the application or reference.)

Delete whichever does not apply.

The Tribunal consider do not consider it undesirable that these reasons should be communicated to the applicant on request.

The Tribunal consider do not consider it undesirable that these reasons should be communicated to the responsible authority on request.

Signed..... (President of the Tribunal)

Date.....

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules prescribe the procedure to be followed in proceedings before the Mental Health Review Tribunals. Unless a formal hearing of an application is requested, a tribunal may determine an application in whatever manner they consider appropriate (rule 17). Rule 4 defines the circumstances in which the tribunal may postpone the consideration of an application, the general effect of this rule being that the tribunal is not obliged to consider an application in respect of the same patient more often than once every twelve months unless the application is made on one of the occasions mentioned in paragraph (2) of rule 4. Members of the Mental Health Review Tribunals may be disqualified from considering applications in certain circumstances (rule 8 (2)).

Rule 5 requires a copy of every application to be sent to the responsible authority defined in rule 2, who must supply the tribunal with full information about the patient. A copy of the authority's statement (excluding any part of it which the responsible authority consider should, in the patient's interests, be withheld from the applicant) must be sent to the applicant by the tribunal. Rule 7 defines the other persons besides the responsible authority to whom notice of the application must be given. Rule 11 provides for the patient's being examined by a medical member of the tribunal, while under rule 12 the tribunal may themselves interview the patient and must do so if he asks for an interview. Rule 13 requires the tribunal to determine whether any part of the information supplied by the responsible authority which has not been disclosed to the applicant ought to continue to be withheld from him.

Part IV deals with cases in which a formal hearing of an application has not been requested and provides that references by the Minister and the Secretary of State are to be disposed of without a formal hearing.

Part V prescribes the procedure where a formal hearing has been requested. Not less than seven days' notice of the hearing must be given and anyone who has received notice of the application will have an opportunity of being heard by the tribunal (rule 22). Where the patient is the applicant and has asked for a formal hearing but the tribunal are satisfied that such a hearing would be detrimental to the patient's health, the application will be determined informally (rule 23). The tribunal will sit in private unless the applicant has asked for a public hearing, in which case the tribunal must be satisfied that this would not be detrimental to the patient's interests and would not for any other reason be undesirable; except in so far as the tribunal may direct, the names of persons concerned in the proceedings are not to be made public (rule 24).

Rule 27 provides for notification of the tribunal's decision on an application to all persons concerned (including the patient where he is not himself the applicant) and gives the applicant and the responsible authority the right to request the giving of reasons.

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