

Status: Point in time view as at 31/03/1995. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Mental Health Act 1983, SCHEDULE 2 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2 **E+W**

Section 65(2).

MENTAL HEALTH REVIEW TRIBUNALS

- 1 Each of the Mental Health Review Tribunals shall consist of—
- (a) a number of persons (referred to in this Schedule as “the legal members”) appointed by the Lord Chancellor and having such legal experience as the Lord Chancellor considers suitable;
 - (b) a number of persons (referred to in this Schedule as “the medical members”) being registered medical practitioners appointed by the Lord Chancellor after consultation with the Secretary of State; and
 - (c) a number of persons appointed by the Lord Chancellor after consultation with the Secretary of State and having such experience in administration, such knowledge of social services or such other qualifications or experience as the Lord Chancellor considers suitable.

Modifications etc. (not altering text)

- C1** [Sch. 2 para. 1\(b\)\(c\)](#): Functions of the Lord Chancellor, so far as they are exercisable by him in relation to Wales, to be exercised only with the agreement of or after the consultation with the Assembly of Wales (1.7.1999) by [S.I. 1999/672](#), [art. 5](#), [Sch. 2](#)

VALID FROM 03/04/2006

- [^{F1}1A** As part of the selection process for an appointment under paragraph 1(b) or (c) the Judicial Appointments Commission shall consult the Secretary of State.]

Textual Amendments

- F1** [Sch. 2 para. 1A](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 158\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(q\)](#)

- 2 [^{F2}Subject to paragraph 2A below,]the members of Mental Health Review Tribunals shall hold and vacate office under the terms of the instrument under which they are appointed, but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.

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Textual Amendments

F2 Words in [Sch. 2 para. 2](#) inserted (31.3.1995) by 1993 c. 8, s. 26, [Sch. 6 para. 40](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art. 2](#)

[^{F3}2A A member of a Mental Health Review Tribunal shall vacate office on the day on which he attains the age of 70 years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).]

Textual Amendments

F3 [Sch. 2 para. 2A](#) inserted (31.3.1995) by 1993 c. 8, s. 26, [Sch. 6 para. 40](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art. 2](#)

3 One of the legal members of each Mental Health Review Tribunal shall be appointed by the Lord Chancellor as chairman of the Tribunal.

4 Subject to rules made by the Lord Chancellor under section 78(2)(c) above, the members who are to constitute a Mental Health Review Tribunal for the purposes of any proceedings or class or group of proceedings under this Act shall be appointed by the chairman of the tribunal or, if for any reason he is unable to act, by another member of the tribunal appointed for the purpose by the chairman; and of the members so appointed—

- (a) one or more shall be appointed from the legal members;
- (b) one or more shall be appointed from the medical members; and
- (c) one or more shall be appointed from the members who are neither legal nor medical members.

5 A member of a Mental Health Review Tribunal for any area may be appointed under paragraph 4 above as one of the persons to constitute a Mental Health Review Tribunal for any other area for the purposes of any proceedings or class or group of proceedings; and for the purposes of this Act, a person so appointed shall, in relation to the proceedings for which he was appointed, be deemed to be a member of that other tribunal.

6 Subject to any rules made by the Lord Chancellor under section 78(4)(a) above, where the chairman of the tribunal is included among the persons appointed under paragraph 4 above, he shall be president of the tribunal; and in any other case the president of the tribunal shall be such one of the members so appointed (being one of the legal members) as the chairman may nominate.

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