
STATUTORY INSTRUMENTS

2008 No. 2699

**The Tribunal Procedure (First-tier Tribunal)
(Health, Education and Social Care Chamber) Rules 2008**

PART 4

Proceedings before the Tribunal in mental health cases

CHAPTER 1

Before the hearing

Medical examination of the patient

[^{F1}34.—(1) Where paragraph (2) applies, an appropriate member of the Tribunal must, so far as practicable, examine the patient in order to form an opinion of the patient's mental condition, and may do so in private.

(2) This paragraph applies—

- (a) in proceedings under section 66(1)(a) of the Mental Health Act 1983 (application in respect of an admission for assessment), unless the Tribunal is satisfied that the patient does not want such an examination;
- (b) in any other case, if the patient or the patient's representative has informed the Tribunal in writing, not less than 14 days before the hearing, that—
 - (i) the patient; or
 - (ii) if the patient lacks the capacity to make such a decision, the patient's representative, wishes there to be such an examination; or
- (c) if the Tribunal has directed that there be such an examination.]

Textual Amendments

- F1** Rule 34 substituted (6.4.2014) by [The Tribunal Procedure \(Amendment\) Rules 2014 \(S.I. 2014/514\)](#), rules 1, 18

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, Section 34.