
STATUTORY INSTRUMENTS

2008 No. 2705

The Mental Health Review Tribunal for Wales Rules 2008

PART 2

General powers and provisions

Representatives

13.—(1) A party may appoint a representative (whether legally qualified or not) to represent that party in the proceedings, not being a person liable to be detained or subject to guardianship or after-care under supervision or a community patient under the Act, or a person receiving treatment for mental disorder at the same hospital or registered establishment as the patient.

(2) If a party appoints a representative, that party or representative must send or deliver to the Tribunal written notice of the representative's name and address.

(3) Anything permitted or required to be done by or provided to a party under these Rules or a direction, other than signing a witness statement, may be done by or provided to the representative of that party.

(4) In the event of a representative being duly appointed—

(a) the Tribunal and other parties may assume that the representative is and remains authorised until receiving written notification to the contrary from the representative or the represented party; and

(b) the Tribunal must provide to the representative any document which is required to be sent to the represented party, and need not provide that document to the represented party.

(5) The Tribunal may appoint a legal representative for the patient if—

(a) the patient has not appointed a representative; and

(b) (i) the patient has stated that they do not wish to conduct their own case or that they wish to be represented; or

(ii) the patient lacks the capacity to appoint a representative but the Tribunal believes that it is in the patient's best interests for the patient to be represented.

(6) Unless the Tribunal otherwise directs, a patient or any other party may be accompanied by such other person as the patient or party wishes, in addition to any representative that may have been appointed under this Rule, provided that such person does not act as the representative of the patient or other party.

Changes to legislation:

There are currently no known outstanding effects for the The Mental Health Review Tribunal for Wales Rules 2008, Section 13.