
STATUTORY INSTRUMENTS

1998 No. 1189

MENTAL HEALTH

The Mental Health Review Tribunal (Amendment) Rules 1998

<i>Made</i>	- - - -	<i>7th May 1998</i>
<i>Laid before Parliament</i>		<i>8th May 1998</i>
<i>Coming into force</i>	- -	<i>1st June 1998</i>

The Lord Chancellor in exercise of the powers conferred on him by section 78(1) to (5) of the Mental Health Act 1983(1) and of all other powers enabling him in that behalf, and after consulting with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(2), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Mental Health Review Tribunal (Amendment) Rules 1998 and shall come into force on 1st June 1998.

Amendment of the Mental Health Review Tribunal Rules 1983

2.—(1) The Mental Health Review Tribunal Rules 1983(3) shall be amended in accordance with the following provisions of this rule.

(2) In rule 7 (notice to other persons interested) for the words “restricted patient,” there shall be substituted the words “conditionally discharged patient.”

(3) In rule 25(2) (further consideration after decision with recommendations) the words “and, in the case of a restricted patient, the Secretary of State” shall be omitted.

(4) In rule 29 (references)—

(a) in paragraph (a) after the word “apply” there shall be added the words “and where a reference is made under section 75(1) of the Act rule 20 shall also not apply;”;

(b) in paragraph (c) after the word “application;” there shall be added the words

“and where a reference is made under section 75(1) of the Act—

(i) rule 6(2) shall apply as if the period of time specified therein was 2 weeks instead of 3 weeks; and

(1) 1983 c. 20.

(2) 1992 c. 53.

(3) S.I. 1983/942 amended by S.I. 1996/314.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) on receipt of the authority's statement, the tribunal shall give notice of the date, time and place fixed for the hearing to any person whom the tribunal notifies of the proceedings under rule 7;"
- (c) after paragraph (c) there shall be inserted the following paragraph—
 - “(cc) where a reference is made under section 75(1) of the Act, on receipt of the reference the tribunal shall—
 - (i) fix a date for the hearing being not later than eight weeks, nor earlier than five weeks, from the date on which the reference was received;
 - (ii) fix the time and place for the hearing; and
 - (iii) give notice of the date, time and place of the hearing to the patient, the responsible authority and the Secretary of State;”.

Made 7th May 1998

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules further amend the Mental Health Review Tribunal Rules 1983 (“the 1983 Rules”).

Rule 7 of the 1983 Rules is amended to provide that the tribunal must give notice of proceedings to the persons specified in that rule on receipt of the authority’s statement except in the case a conditionally discharged patient where the notice is to be given on receipt of the Secretary of State’s statement (rule 2(2)).

Rule 2(3) revokes a provision in rule 25(2) of the 1983 Rules which purports to enable the tribunal to reconvene proceedings after giving notice of the hearing to the Secretary of State where the tribunal has made a decision with recommendations in the case of a restricted patient.

Rule 2(4) amends rule 29 of the 1983 Rules to provide that where the tribunal receives a reference from the Secretary of State under section 75(1) of the Mental Health Act 1983 (references concerning conditionally discharged restricted patients on recall) the tribunal shall immediately arrange for a hearing to take place within eight weeks; and makes other, consequential changes.

These Rules impose no costs on business.