STATUTORY INSTRUMENTS

1976 No. 447

MENTAL HEALTH

The Mental Health Review Tribunal (Amendment) Rules 1976

Made - - -	*18th March* 1976
Laid before Parliament	*29th March* 1976
Coming into Operation	*20th April* 1976

The Lord Chancellor, in exercise of the powers conferred on him by section 124 of the Mental Health Act 1959(**a**) and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(**b**), hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Mental Health Review Tribunal (Amendment) Rules 1976 and shall come into operation on 20th April 1976.

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

2. For the form prescribed in the Fourth Schedule to the Mental Health Review Tribunal Rules 1960(**d**), as amended(**e**), there shall be substituted the form set out in the Schedule to these Rules.

Dated 18th March 1976.

Elwyn-Jones, C.

SCHEDULE

DECISION OF THE MENTAL HEALTH REVIEW TRIBUNAL
FOR THE.....REGION OF THE REGIONAL AUTHORITY OR FOR WALES

On considering the application made to the Tribunal on (*date of application*) by (*name of applicant*) [relating to (*name of patient*)]* under section (*section under which application is made*) of the Mental Health Act 1959, the Tribunal [direct]* [do not direct]* that the said (*name of patient*) be discharged from [(*name of hospital or other institution*) where the patient is detained under the Act]* [the guardianship of (*name of guardian*)]*.

[And the Tribunal further direct that the form of mental disorder specified in the [application] [order] [direction]* shall not be amended.]*

[And the Tribunal, being satisfied that the said (*name of patient*) is now suffering from

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(**a**) 1959 c. 72. (**b**) 1971 c. 62. (**c**) 1889 c. 63.
(**d**) S.I. 1960/1139 (1960 II, p. 1962).
(**e**) The relevant amending instrument is S.I. 1974/241 (1974 I, p. 793).

[mental illness] [severe subnormality] [mental illness and severe subnormality]*, further direct that the [application] [order] [direction]* shall be amended accordingly.]* [And the Tribunal, being satisfied that the said (*name of patient*) is now suffering from [psychopathic disorder] [subnormality]* and being of opinion that the said (*name of patient*), if released, [would be] [would not be]* likely to act in a manner dangerous to other persons or to himself/herself*, further direct that the [application] [order] [direction] shall be amended accordingly.]*†

Signed .....

President of the Tribunal

Date .....

* Delete as appropriate.

† Where the Tribunal are satisfied that the mental disorder specified in relation to the patient is psychopathic disorder or subnormality or both and they decide to amend the application, order or direction accordingly under section 123(3) of the Act, the direction must include a statement that the Tribunal consider that the patient would/would not be potentially dangerous to other persons or to himself (Mental Health (Amendment) Act 1975, section 1(1) and (2)).

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules prescribe a new form for the recording of decisions by Mental Health Review Tribunals, to extend the use of the form as previously prescribed to cases where, under the Mental Health (Amendment) Act 1975 (c. 29), a tribunal decides that a patient detained under certain provisions of the Mental Health Act 1959 as suffering from mental illness or severe subnormality is to be reclassified as suffering only from psychopathic disorder or subnormality or both.

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