EXPLANATORY NOTE

(This note does not form part of the Order, but is intended to indicate its general purport.)

This Order replaces the Tuberculosis (Movement of Cattle) (No. 2) Order (Northern Ireland), 1960, as amended by the Tuberculosis (Movement of Cattle) (No. 2) (Amendment) Order (Northern Ireland), 1961. It also replaces the Tuberculosis (Entry of Attested Animals) Order (Northern Ireland), 1961. It restricts the movement of cattle from the Republic of Ireland and the shipment of cattle to Great Britain to fully attested cattle accompanied by the proper documents. It also schedules the places and times at which such cattle may be brought into Northern Ireland from the Republic of Ireland.

1962. No. 69 **[C]**

MENTAL HEALTH

Mental Health Review Tribunal for Northern Ireland

RULES, DATED 5TH APRIL, 1962, MADE BY THE LORD CHIEF JUSTICE UNDER SECTION 79 OF THE MENTAL HEALTH ACT (NORTHERN IRELAND), 1961.

I, the Right Honourable John Clarke, Baron MacDermott, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by Section 79 of the Mental Health Act (Northern Ireland), 1961(a), and of all other powers enabling me in that behalf do hereby make the following rules:—

PART I

INTRODUCTORY

Title and commencement

1. These Rules may be cited as the Mental Health Review Tribunal (Northern Ireland) Rules, 1962, and shall come into operation on the 9th day of April, 1962.

Interpretation

2. In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"the Act" means the Mental Health Act (Northern Ireland), 1961.

"applicant" means a person who under the Act is entitled to apply, or being so entitled has applied to the tribunal; and "application" shall be construed accordingly.

"the tribunal" in relation to an application means the Mental Health Review Tribunal for Northern Ireland.

"displaced relative" means the nearest relative of the patient whose functions under the Act are exercisable by another person in pursuance of an order made under sections 41 or 42 of the Act.

(a) 1961. c. 15.

"reference" includes a reference by the persons or Ministry mentioned in section 45 and by the Minister of Home Affairs under section 54 of the Act.

"responsible management committee" means, in relation to a person detained or liable to be detained under the Act in a hospital, the management committee of that hospital and, in relation to a person subject to guardianship under the Act, the management committee to which the application for guardianship was made.

FORMS TO BE USED

3. In so far as practicable, the forms in the Schedule shall be used wherever appropriate in connection with procedures under these Rules.

PART II

PRELIMINARY PROCEDURE

Method of making application

4.—(1) In so far as practicable, an application shall be made by an applicant, or any person authorised by him to apply on his behalf, on the appropriate form of application set out in the Schedule to these Rules and shall be sent to the tribunal.

(2) The tribunal or the responsible management committee shall on request supply the appropriate form of application to an applicant.

(3) The applicant shall state in his application whether he requests a formal hearing.

Power to postpone consideration of application

5.—(1) Where an application by or in respect of a patient has been considered and determined by the tribunal, the tribunal or the chairman of the tribunal or any member thereof appointed for the purpose by the chairman may, subject to the provisions of this rule, postpone the consideration of a further application by or in respect of that patient until such time as they or he may direct, not being later than the expiration of the period of twelve months from the date on which the previous application was determined.

(2) The power of postponement conferred by the last foregoing paragraph shall not apply to—

(*a*) any application if the previous application was determined before a break or change in the authority for the patient's detention or guardianship within the meaning of this rule,

(*b*) an application under section 28 of the Act (which relates to the reclassification of mental disorder),

(*c*) an application under section 32 of the Act in respect of the first renewal of authority for detention of the patient for a period of one year,

(*d*) an application under paras. 4 or 5 of the Fourth Schedule to the Act in respect of the renewal of authority for detention,

(*e*) an application under section 36 of the Act (which imposes restrictions on discharge by the nearest relative).

(3) For the purposes of this rule a break or change in the authority for the detention or guardianship of a patient shall be deemed to have occurred only—

(*a*) on his admission to hospital in pursuance of an application for admission or in pursuance of a hospital order without an order restricting his discharge, or

(*b*) on his reception into guardianship in pursuance of a guardianship application or a guardianship order, or

(*c*) on application to him of the provisions of Part II or Part III of the Act as if he had been so admitted or received following—

(i) the making of a transfer direction, or

(ii) the ceasing of effect of a transfer direction or an order or direction restricting his discharge; or

(*d*) on his transfer from guardianship to hospital in pursuance of section 31 of the Act.

(4) Where the consideration of an application is postponed, the tribunal or the chairman of the tribunal or any member thereof appointed for the purpose by the chairman shall so inform the applicant and any other person to whom a copy or a notice of the application has been sent.

(5) Where the consideration of an application is postponed, any action which may have been taken on the application under the provisions of rules 6 to 9 shall be disregarded, and consideration of the application shall proceed as if the application had been made at the expiration of the period of postponement, unless before that date the application has been withdrawn or is deemed to be withdrawn in accordance with the provisions of rule 17, or has been determined in accordance with the next following paragraph.

(6) Where a new application is made in respect of a patient and is not postponed under this rule the tribunal or the chairman of the tribunal or any member thereof appointed for the purpose by the chairman may direct that any postponed application in respect of the same patient shall be considered and determined at the same time as the new application.

Notice to responsible management committee

6. The tribunal shall on receipt of an application or, where the consideration of the application has been postponed, at the end of the period of postponement send a copy of the application to the responsible management committee.

Management Committee's statement

7.—(1) The responsible management committee shall send to the tribunal as soon as practicable and in any case within three weeks of the receipt by them of the copy of the application, a statement (in these Rules called "the management committee's statement") containing the information so far as known to the committee referred to in form No. 3 in the Schedule, so, however, that any part of the management committee's statement which in their opinion should be withheld from the applicant on the grounds that its disclosure would be undesirable in the interests of the patient or for other special reasons shall be made in a separate document and the management committee shall specify in such document their reasons for not wishing the information contained in it to be disclosed to the applicant.

(2) The tribunal shall on receipt of the management committee's statement send to the applicant a copy of the statement excluding any part thereof which is contained in a separate document in accordance with the last foregoing paragraph.

(3) The tribunal shall inform the management committee of any comments on the management committee's statement which they may receive from the applicant and shall give the management committee an opportunity of considering any such comments and shall, if the management committee so request, supply them with a copy thereof.

Notice to other persons interested

8. The tribunal shall on receipt of the management committee's statement give notice of the application—

(*a*) where the patient is subject to the guardianship of a person other than a management committee, to the guardian;

(*b*) where the applicant is the patient or the displaced relative, to the person named in the management committee's statement as exercising the functions of the nearest relative; and

shall inform the person to whom notice is given, in the form No. 4 set out in the Schedule to these Rules or a form substantially to the like effect, of the arrangements which will be made for determining the application.

Appointment of tribunal

9.—(1) The chairman or deputy chairman appointed in accordance with paragraph 3 of the Third Schedule to the Act shall, on receipt of the management committee's statement, or on receipt of a reference from the Minister of Home Affairs, appoint the members of the tribunal to consider and determine or advise on the application or reference unless it belongs to a class or group of proceedings for which members have already been appointed.

(2) A person shall not be qualified to serve as a member of a tribunal to consider an application or reference where—

(*a*) he has any interest or bias in or regarding the proceedings; or

(*b*) he is a member or officer of the management committee concerned in the proceedings.

Two or more pending applications

10. The tribunal may consider more than one application in respect of a patient at the same time and may for this purpose adjourn the proceedings relating to any application.

PART III

GENERAL PROVISIONS AS TO PROCEDURE

Representation

11.—(1) The applicant, the responsible management committee and any person to whom notice of the application has been given under the provisions of rule 8 may be represented by any person authorised in that behalf, not being a person liable to be detained or subject to guardianship under the Act or a person receiving treatment for mental disorder at the same hospital as the patient by or in respect of whom the application is made.

(2) An authorised representative may take all such steps and do all such things relating to the proceedings as the person whom he represents is by these Rules required or authorised to take or do.

(3) Unless the tribunal otherwise direct, a patient or other person appearing before the tribunal may be accompanied by such other person or persons as he wishes.

Medical Examination

12. The medical member of the tribunal appointed to consider the application shall, or where there is more than one medical member, the medical members may and one shall, examine the patient or take such other steps as he or they consider necessary to form an opinion of the patient's mental condition; and for this purpose the patient may be seen in private and his medical records examined.

Interview with Patient

13.—(1) The tribunal may at any time before determining the application interview the patient and shall interview him if he so requests, and such interview may take place in private or in the presence of the applicant or any other person as the tribunal think fit.

(2) Where they think it appropriate, the tribunal may authorise any one or more of their members to visit and interview the patient in private.

Disclosure of Information

14.—(1) Except in so far as the tribunal consider it undesirable to do so in the interests of the patient or for other special reasons, they shall make available to the applicant any part of the management committee's statement which has been withheld from him under the provisions of rule 7 and shall on request make available to the applicant and the responsible management committee copies of any other documents obtained by or furnished to the tribunal for the purposes of the application and a statement of the substance of any oral information so obtained or furnished, and may if so requested adjourn the hearing of the application so far as may in the opinion of the tribunal be necessary to enable the applicant or the responsible management committee to consider any document or information made available under this paragraph:

Provided that the tribunal may refuse to supply copies of any document or any part of any document, or a statement of any oral information which appears to them not to be relevant for the purposes of the application.

(2) The tribunal may disclose to any person any information withheld under the provisions of these Rules on terms that the information shall not be disclosed to the applicant or the patient or to any other person or be used otherwise than in connection with the application.

Evidence

15.—(1) For the purposes of obtaining information, the tribunal may take evidence on oath or affirmation and any witness may be subpoenaed to appear before them or to produce documents; and the chairman of the tribunal shall accordingly have the powers of a party to a reference under an arbitration agreement conferred by section 14 of the Arbitration Act (Northern Ireland), 1937(**a**); provided, however, that (*a*) no person shall be compelled to give any evidence

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 8 (N.I.).

or produce any document which he could not be compelled to give or produce on the trial of an action, and (*b*) the proviso to the said section shall not apply.

(2) The tribunal may receive in evidence any documents or information notwithstanding that such document or information would be inadmissible in a court of law.

Adjournment

16. Subject to the provisions of paragraph 2 of rule 27 and of rule 29 the tribunal may adjourn the hearing of any evidence or representations or the consideration of an application to such date as they may determine.

Withdrawal of Application

17. An applicant may be allowed to withdraw his application at any time on giving notice in writing to the tribunal and an application shall be deemed to be withdrawn if the patient ceases to be liable to be detained or subject to guardianship in Northern Ireland.

PART IV

INFORMAL DETERMINATIONS. REFERENCES BY THE ATTORNEY GENERAL, THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, THE REGISTRAR OF THE DEPARTMENT FOR THE AFFAIRS OF MENTAL PATIENTS OR THE MINISTER OF HOME AFFAIRS

Informal Determinations

18.—(1) Where the applicant has not requested a formal hearing, the tribunal may, subject to the provisions of this rule, determine an application in such manner as they think appropriate.

(2) Before determining the application the tribunal shall:—

(*a*) take all such steps as they consider proper (including interviewing any person) to ensure that they have before them the information necessary to decide the case; and

(*b*) give to the applicant, the responsible management committee and any person to whom notice of the application has been given under the provisions of rule 8, an opportunity of an interview with the tribunal, at a time and place of which at least seven days' notice shall be given unless the person concerned has disclaimed any interest in the application; and

(*c*) consider any written representations made to them with reference to the application.

(3) Any person interviewed by the tribunal shall be given the opportunity of stating his views and drawing the attention of the tribunal to any evidence or information relevant to the application.

(4) Nothing in these Rules shall preclude the tribunal from directing at any stage of informal proceedings under this rule that such proceedings shall continue as a formal hearing.

References by the Attorney General, the Ministry of Health and Local Government or the Registrar of the Department for the Affairs of Mental Patients

19.—(1) The tribunal shall consider a reference by the Attorney General, the Ministry of Health and Local Government or, on the direction of the

Lord Chief Justice, the Registrar of the Department for the Affairs of Mental Patients, as if it were an application by a patient and the provisions of these Rules shall apply to the reference as if it were such an application with the following modifications:

(*a*) rules 5 and 17 shall not apply;

(*b*) in rules 6 and 7 for the words "copy of the application" there shall be substituted the words "notification of the reference";

(*c*) paragraphs (3) and (5) of rule 28 shall apply with the substitution of references to the Attorney General, the Ministry of Health and Local Government or the Registrar of the Department for the Affairs of Mental Patients, whichever is appropriate, for references to the applicant; and

(*d*) any reference made under this section may be withdrawn by the person or Ministry making it, at any time before it is determined by the tribunal.

(2) Any reference to which this rule relates may, at the discretion of the tribunal, be determined informally or as though a formal hearing has been requested.

References by the Minister of Home Affairs

20. The tribunal shall consider a reference by the Minister of Home Affairs in whatever informal manner they think appropriate and may on any such reference interview the patient and shall interview him if he so requests; and after considering the reference the tribunal shall give their advice thereon to the Minister of Home Affairs.

Proceedings in Private

21. All informal proceedings to which this Part of these Rules apply shall take place in private but the tribunal may, if they think fit, authorise any person to attend.

PART V

FORMAL HEARINGS

Application

22. This part of these Rules shall apply to proceedings in which the applicant has requested a formal hearing and, so far as the tribunal consider appropriate, to informal proceedings which the tribunal, under rule 18(4), have directed should continue as a formal hearing.

Notice of Hearing

23. The tribunal shall give at least seven days' notice of the date, time and place fixed for the hearing to the applicant, the responsible management committee, any person who has received notice of the application under the provisions of rule 8, and to any other person who, in the opinion of the tribunal, should have an opportunity of being heard.

Decision as to Formal Hearing

24. Where the applicant who has requested a formal hearing is the patient, the tribunal may, before proceeding to hear the application, consider whether a formal hearing would be detrimental to his health and shall do so if the management committee's statement includes an opinion by the responsible medical officer that a formal hearing would be so detrimental; and where the tribunal are of opinion that a formal hearing would be detrimental to the

health of the patient, the application shall be determined in accordance with the provisions of rule 18 as if the applicant had not requested a formal hearing.

Privacy of Proceedings

25.—(1) The tribunal shall sit in private unless (*a*) the applicant requests a hearing in public and the tribunal are satisfied that a hearing in public would not be detrimental to the interests of the patient and would not for any other reason be undesirable, or (*b*) the tribunal are satisfied as aforesaid and are also of opinion that a hearing in public is desirable.

(2) When sitting in private the tribunal may admit to the hearing any person or class of persons on such terms and conditions as they consider appropriate.

(3) The tribunal may exclude from any hearing any person or class of persons they think fit, and may exclude the patient or any other person while they are hearing evidence if, in their opinion, it would be undesirable in the interests of the patient or for other special reasons for the patient or such other person to be present.

(4) Except in so far as the tribunal may direct, information about proceedings before the tribunal and the names of any persons concerned in the proceedings shall not be made public.

Procedure

26.—(1) Subject to the provisions of this rule, any person who has received notice of the hearing may appear and take such part in the proceedings as the tribunal think proper.

(2) The tribunal shall give an opportunity to the applicant to address the tribunal, to give evidence and call witnesses; and the responsible management committee, and with the permission of the tribunal any other person, may put questions to the applicant or to any witness called by him or on his behalf.

(3) The tribunal shall give the responsible management committee and any other person notified of the hearing under the provisions of rule 23 an opportunity to address them, to give evidence and to call witnesses and may permit any other person whom they think fit to do so; and the applicant and the responsible management committee, and with the permission of the tribunal any other person, may put questions to any person giving evidence before the tribunal.

(4) Where the patient is the applicant or is called as a witness, the tribunal may if they consider it desirable in the interests of the patient's health to do so interview the patient or take his evidence in private or in any manner they think appropriate.

Adjournment for further information

27.—(1) Where it appears to the tribunal that it is desirable to obtain further information on any point, the tribunal may adjourn, either generally or to a specific date, for the information to be obtained in such manner as they may direct or for the applicant or any other person concerned to produce the information.

(2) Where, after any such general adjournment, the tribunal consider that a resumed hearing is desirable or a resumed hearing is requested by the applicant or the responsible management committee, not less than seven days' notice thereof (or such shorter notice as all persons concerned may agree) shall

be given to the applicant, to the responsible management committee and to any other person who was notified of the hearing under the provisions of rule 23 and who appeared at the previous hearing.

PART VI

DECISIONS AND MISCELLANEOUS PROVISIONS

Decisions

28.—(1) The decision of the majority of the members of the tribunal appointed to consider an application shall be the decision of the tribunal.

(2) The decision of the tribunal on the application shall be recorded in the form No. 5 prescribed in the Schedule to these Rules or as near thereto as may be practicable and shall be signed by the chairman.

(3) The decision of the tribunal shall be communicated in writing within seven days to the applicant, the responsible management committee, the patient (where he is not the applicant) and to such other persons as the tribunal may direct, and the tribunal shall at the same time inform the applicant and the responsible management committee of their right to request reasons for the decision in accordance with paragraph (5) of this rule:

Provided that where the tribunal consider that it would not be desirable to communicate their decision in writing to the patient (where he is not the applicant) it shall be communicated to him in such manner as the tribunal think appropriate.

(4) The reasons for the tribunal's decision shall be recorded in the form No. 6 prescribed in the Schedule to these Rules or as near thereto as may be practicable and shall be signed by the chairman.

(5) The applicant and the responsible management committee may, within three weeks after receiving notice in writing of the decision, request the tribunal to give their reasons, and the tribunal shall comply with any such request except where they consider that it would be undesirable to do so in the interests of the patient or for other special reasons.

(6) Subject to the provisions of this rule, the tribunal may, where they think it proper to do so, prohibit the publication of the text or a summary of the whole or part of their decision or of their reasons, or may direct that the text or summary may be published only to such persons and on such conditions as they may prescribe.

Transfer of Proceedings

29. Where an application or reference has not been disposed of by the members of the tribunal appointed for the purpose and the chairman of the tribunal is of opinion that it is not practicable or not possible without undue delay for the consideration of the application or reference to be completed by those members, he shall make arrangements for it to be disposed of by other members of the tribunal.

Time

30. The time appointed by these Rules for the doing of any act may be extended by the tribunal or the chairman of the tribunal or any member thereof appointed for the purpose by the chairman on such terms (if any) as they or he may think fit and such extension may be granted although the application for extension is not made until after the expiration of the time appointed.

Service of Notices, etc.

31. Any application, notice or other document required or authorised by these Rules to be sent or given to any person may be sent by prepaid post or delivered:—

(*a*) in the case of a document directed to the tribunal or chairman of the tribunal, to their office;

(*b*) in any other case, to the last known address of the person to whom the document is directed;

and if sent or given to the authorised representative of any person shall be deemed to be sent or given to that person.

Irregularities

32. Any irregularity resulting from failure to comply with these Rules before the tribunal have reached their decision shall not of itself render the proceedings void, but the tribunal may, and shall if they consider that any person may have been prejudiced, take such steps as they think fit before reaching their decision to cure the irregularity, whether by the amendment of any document, the giving of any notice, the taking of any step or otherwise.

Dated the 5th day of April, 1962.

MacDermott,
Lord Chief Justice.

FORM NO. 1

SCHEDULE

Rule 4

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Application by Patient in Hospital or under Guardianship

1. I [*name and address of patient*] .....
hereby apply to the Mental Health Review Tribunal for Northern Ireland in accordance with [*state section of Act under which application is made*] .....
..... of the Mental Health Act (Northern Ireland), 1961.

2. *I am detained in ..... Hospital or
I am under the guardianship of [*name and address of guardian*] .....
.....

3. I *wish / do not wish to have a formal hearing. (See note at end of this form.)

4. Details of application. [*The applicant may give here his/her reasons for making the application.*] .....
.....
.....

Signature of patient or
person authorised to sign
on his behalf .....

Date .....

**Delete whichever is not applicable.*

NOTE: Under the Mental Health Review Tribunal Rules, 1962, the Tribunal may (subject to certain exceptions) postpone consideration of an application if a previous application in respect of the same patient has been considered by the Tribunal during the preceding twelve months.

If you request a formal hearing everyone interested in the application will come before the Tribunal at the same time unless for special reasons the Tribunal think it desirable to exclude any person.

If you do not request a formal hearing, the application will be determined in such manner as the Tribunal consider appropriate.

In all cases you will be examined by the medical member of the Tribunal and will be entitled to an interview with all the members of the Tribunal appointed to deal with the application.

The Tribunal may also deal with the application informally even if you have requested a formal hearing if the Tribunal consider that a formal hearing would be detrimental to your health.

FORM No. 2

Rule 4

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Application by Patient's Nearest Relative or by Displaced Relative

1. I [*name and address of applicant*] .....
hereby apply to the Mental Health Review Tribunal for Northern Ireland in accordance with [*state section of Act under which application is made*] .....
of the Mental Health Act (Northern Ireland), 1961, in respect of [*name of patient*] ..... who is
*detained in ..... hospital
under the guardianship of [*name and address of guardian*] .....
.....

2. I am—

†(*a*) the patient's nearest relative within the meaning of the Act, being his/her [*state relationship*] ..... and am exercising the functions of the nearest relative; or

(*b*) the patient's nearest relative within the meaning of the Act, being his/her [*state relationship*] ....., but was divested of the functions of the nearest relative by an order of the County Court made at [*state place where order was made*] .....
on [*date of order*] .....; or

(*c*) authorised to exercise the functions of the patient's nearest relative by *the patient's nearest relative / a County Court and I attach hereto a copy of the ‡authority.

3. I *wish / do not wish to have a formal hearing. (See note at end of this form.)

4. Details of application. [*The applicant should give here his/her reasons for making the application*] .....
.....

Signature of applicant or person authorised to sign on his behalf .....

Date .....

**Delete whichever is not applicable.*
†*Delete* (*a*), (*b*) *or* (*c*), *as appropriate.*
‡*Copy of County Court order or of form of authority signed by nearest relative.*

NOTE: Under the Mental Health Review Tribunal Rules, 1962, the Tribunal may (subject to certain exceptions) postpone consideration of an application if a previous application in respect of the same patient has been considered by the Mental Health Review Tribunal during the preceding twelve months.

If you request a formal hearing everyone interested in the application will come before the Tribunal at the same time unless for special reasons the Tribunal think it desirable to exclude any person.

If you do not request a formal hearing, the application will be determined in such manner as the Tribunal consider appropriate.

In all cases the patient will be examined by the medical member of the Tribunal, and you and the patient (if he so requests) will be entitled to an interview with all the members of the Tribunal appointed to deal with the application.

FORM NO. 3

Rule 7

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Statement by Responsible Management Committee

A. *Facts for the information of the Tribunal, so far as known to the committee.*

1. Patient's full name.

2. Patient's age.

3. Date of patient's admission to hospital in which now detained, or reception into guardianship.

4. History of present authority for detention or guardianship, i.e., date of admission, section of the Act under which made, and date of any subsequent renewals or transfer, or removal of restriction on discharge.

5. Form or forms of mental disorder from which patient is recorded as suffering in the authority for detention (as amended by any reclassification under Sections 28 or 78 of the Act).

6. Name and address of patient's nearest relative or, if some other person is exercising functions of nearest relative, that person.

7. If the responsible management committee consider the applicant not entitled under the Act to make the application, reasons for this opinion.

B. *Reports.*

1. Statement of reasons why the responsible management committee are not themselves willing to discharge the patient (including a report on the patient's mental condition and an account of the facilities available for care of the patient if the authority for detention or guardianship were discharged) or, in the case of an application under section 36 of the Act, the grounds on which the committee consider the special criteria described in that section to be established.

2. If applicant is the patient and has requested a formal hearing, opinion of responsible medical officer as to whether this would be detrimental to the patient's health.

3. Any other observations on the application.

FORM No. 4

Rule 8

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Notice to the Guardian or Nearest Relative

1. An application has been received by the Mental Health Review Tribunal for Northern Ireland *from / in respect of [*name of patient*] ..... who is *detained in ..... hospital / under the guardianship of [*name of guardian*] ..... under the Mental Health Act (Northern Ireland), 1961.

2. This notice is sent to you in your capacity as
   *(*a*) the guardian; or
   (*b*) the person exercising the functions of the patient's nearest relative.

3. The applicant *has / has not requested a formal hearing of the application.

4. *(*a*) The Tribunal intend to meet to consider the application on [*date and time*] ..... at [*place*] .....; or
   (*b*) You will be informed later of the date and place at which the Tribunal intend to meet to consider the application.

5. You may attend at the meeting of the Tribunal either personally (accompanied by any person(s) you wish) or authorise some person to attend on your behalf and make such representations as you wish.

6. If you so desire you may send any written observations relevant to the application to the Tribunal before they meet.

7. If you send written observations, please say whether you also wish to *attend personally / be represented when the Tribunal meet.

Signed .....
(on behalf of the Tribunal)

Date .....

Address of Tribunal .....
.....
.....

**Delete whichever is not applicable.*

FORM NO. 5

Rule 28(2)

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Decision of the Mental Health Review Tribunal for Northern Ireland

1. The application made to the Mental Health Review Tribunal for Northern Ireland on [*date of application*] ..... by [*name of applicant*] ..... in respect of [*name of patient*] ..... under [*state section of the Act under which application was made*] ..... of the Mental Health Act (Northern Ireland), 1961, has been considered by members appointed for this purpose.

2. The Tribunal *hereby direct / have decided not to direct that [*name of patient*] ..... be discharged from *detention in ..... hospital / the guardianship of [*name of guardian*] ..... under the Act.

3. *(*a*) The Tribunal are satisfied that [*name of patient*] ..... *is suffering from mental illness / requires special care; and hereby direct that the classification shown on the authority for the patient's *detention / guardianship i.e., [*original classification as amended by any previous re-classification*] ..... shall be amended accordingly.

*(*b*) The Tribunal have decided to make no direction for re-classification.

Signed .....
Chairman of Tribunal

Date .....

**Delete whichever is not applicable.*

FORM NO. 6

Rule 28(4)

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Reasons for the Decision of the Mental Health Review Tribunal for Northern Ireland

[*The reasons should indicate whether the Tribunal are or are not satisfied on such matters mentioned in section 78 of the Act as are relevant to the application or reference.*]

The Tribunal *consider / do not consider it undesirable that these reasons should be communicated on request to .....

Signed .....
(Chairman of Tribunal)

Date .....

**Delete whichever does not apply.*

EXPLANATORY NOTE

(This note is not part of the Rules, but is intended to indicate their general purport.)

These Rules regulate the procedure to be followed in proceedings before the Mental Health Review Tribunal for Northern Ireland.

Applications are made to the Tribunal in writing (Rule 4). On receipt of the application the Tribunal must send a copy to the responsible management committee (Rule 6), who must supply the Tribunal with full information about the patient. A copy of the management committee's statement (excluding any part of it which the committee consider should, in the patient's interest, be withheld from the applicant) must then be sent by the Tribunal to the applicant (Rule 7). Rule 14 requires the Tribunal to determine whether any of the statement supplied by the management committee which has not been disclosed ought to continue to be withheld from him. Rule 8 provides for notice of the application to be given by the Tribunal to certain other interested parties.

The tribunal may determine an application in whatever manner they consider appropriate, unless the applicant has requested a formal hearing. The Tribunal has power to direct that informal proceedings shall continue as a formal hearing (Rule 18). If there is no formal hearing the proceedings are in private (Rule 21). In certain circumstances set out in Rule 5 the Tribunal may postpone consideration of an application, the general effect of this Rule being that the Tribunal is not obliged to consider an application more than once every twelve months unless the application is made on one of the occasions mentioned in Rule 5. The patient must be examined by the medical member of the Tribunal (Rule 12) and the Tribunal may interview him and must do so if he so requests (Rule 13). Rule 11 enables the applicant, the management committee, or any other person notified of the application to be represented before the Tribunal.

Rules 19-21 deal with the procedure on reference by the Attorney General, the Registrar of the Department for the Affairs of Mental Patients, the Ministry of Health or the Minister of Home Affairs. References by the Minister of Home Affairs are disposed of informally (Rule 20), but other references may be dealt with either informally or on a formal hearing, at the discretion of the Tribunal (Rule 19). Informal proceedings are in private (Rule 21).

Rules 22-27 deal with formal hearings. Rule 23 provides that at least seven days' notice of the hearing shall be given to all parties concerned. Where the patient is the applicant and has asked for a formal hearing, but the Tribunal are satisfied that such a hearing would be detrimental to the patient's health, the application will be determined informally (Rule 24). The hearing will be in private unless the applicant requests a hearing in public and the Tribunal are satisfied that it would not be detrimental to the interests of the patient and would not be undesirable for any other reason or the Tribunal, if so satisfied, also consider a public hearing desirable (Rule 25).

Rule 28 provides for the notification of the Tribunal's decision to all parties concerned and gives a right to require the Tribunal to give reasons for their decision.