STATUTORY INSTRUMENTS

1971 No. 1772

MENTAL HEALTH

The Mental Health Review Tribunal (Welsh Forms) Rules 1971

Made - - -	*27th October* 1971
Laid before Parliament	*8th November* 1971
Coming into Operation	*1st December* 1971

The Lord Chancellor, in exercise of the powers conferred on him by section 124 of the Mental Health Act 1959(**a**), as extended by section 2(2) of the Welsh Language Act 1967(**b**), and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(**c**), hereby makes the following Rules:—

1. These Rules may be cited as the Mental Health Review Tribunal (Welsh Forms) Rules 1971 and shall come into operation on 1st December 1971.

2.—(1) In these Rules, unless the context otherwise requires:—

"principal rules" means the Mental Health Review Tribunal Rules 1960(**d**);

"tribunal" has the meaning assigned to it by rule 2(1) of the principal rules.

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

3.—(1) In relation to an application to the tribunal for the Welsh Hospital Board area, rule 3(1) of the principal rules shall have effect as if it referred, instead of to the forms in the First Schedule to those Rules, to the forms in the Schedule to these Rules.

(2) The forms in the Schedule to these Rules may be completed in Welsh or in English or partly in Welsh and partly in English.

Dated 27th October 1971.

Hailsham of St. Marylebone, C.

(**a**) 1959 c. 72. (**b**) 1967 c. 66. (**c**) 1971 c. 62.
(**d**) S.I. 1960/1139 (1960 II, p. 1962). (**e**) 1889 c. 63.

SCHEDULE

FORM 1
FFURFLEN 1

MENTAL HEALTH REVIEW TRIBUNAL RULES 1960
RHEOLAU TRIBIWNLYS ADOLYGU IECHYD Y MEDDWL 1960

Application by a Patient in a Hospital or Mental Nursing Home or Under Guardianship.

Cais gan Glaf mewn Ysbyty neu Gartref Nyrsio y Meddwl neu dan Warcheidwaeth.

I(1).....of.....
Yr wyf fi o
.....hereby apply to the Mental Health
drwy hyn yn gwneud cais i'r

Review Tribunal for the.....Hospital Board Area
Tribiwnlys Adolygu Iechyd y Meddwl ar gyfer Bwrdd Ysbytai Cylch.....
in accordance with (2).....of the Mental Health Act 1959
yn unol â/ag o Ddeddf Iechyd y Meddwl 1959

(3) I am detained in (4).....
Cedwir fi yn

OR
NEU

(3) I am under guardianship of (5).....
Yr wyf dan warcheidwaeth

of.....
o

Details of Application
Manylion am y Cais

The applicant may give his/her reasons for making the application. If formal hearing is desired—see note at end of this form—this should be stated here.

Gall y sawl sy'n gwneud y cais roi yma ei resymau/rhesymau dros wneud y cais. Os dymunir cael gwrandawiad ffurfiol—gweler y nodyn ar ddiwedd y ffurflen hon—dylid nodi hynny yma.

Signature of patient.....
Llofnod y claf

or person authorised to sign on his behalf

neu berson sydd ag awdurdod i lofnodi ar ei ran

Date.....
Dyddiad

Note on Tribunal's powers as to postponement, informal determination and formal hearings

Under the Mental Health Review Tribunal Rules 1960, 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 same or another Mental Health Review Tribunal during the preceding twelve months.

(1) Name and address of Patient

(1) Enw a chyfeiriad y Claf.

(2) State Section of Act or paragraph of 6th Schedule under which application is made.

(2) Noder Adran y Ddeddf neu'r paragraff yn Chweched Atodlen y Ddeddf y gwneir cais dano/dani.

(3) Delete whichever does not apply.

(3) Dilëer yr un nad yw'n gymwys.

(4) Name and address of hospital or mental nursing home.

(4) Enw a chyfeiriad yr ysbyty neu gartref nyrsio y meddwl.

(5) Name and address of guardian.

(5) Enw a chyfeiriad y gwarcheidwad.

You may request a formal hearing. This means that 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 informally 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.

Nodyn ar awdurdod y Tribiwnlys ynglŷn â gohirio, penderfyniad anffurfiol a gwrandawiad ffurfiol

Dan Reolau Tribiwnlys Adolygu Iechyd y Meddwl 1960, gall y Tribiwnlys (ond gydag eithriadau arbennig), ohirio ystyried cais os ystyriwyd cais cynharach ynglŷn â'r un claf gan yr un Tribiwnlys Adolygu Iechyd y Meddwl, neu gan Dribiwnlys arall yn ystod y deuddeng mis blaenorol.

Gellwch wneud cais am wrandawiad ffurfiol. Golyga hyn y bydd pawb y mae a wnelo'r cais â hwy, yn dod gerbron y Tribiwnlys yr un pryd oni fydd y Tribiwnlys, am resymau arbennig, yn tybied ei bod yn ddymunol gwahardd rhyw berson. Os na ofynnwch am wrandawiad ffurfiol, penderfynir y cais yn anffurfiol mewn modd a ystyrir yn gymwys gan y Tribiwnlys. Ym mhob achos, archwilir chwi gan aelod meddygol y Tribiwnlys, a bydd gennych hawl i gael cyfweliad gyda holl aelodau'r Tribiwnlys a benodir i ddelio â'r cais.

Gall y Tribiwnlys ddelio â'r cais yn anffurfiol hefyd hyn yn oed os byddwch wedi gofyn am wrandawiad ffurfiol, os tybia'r Tribiwnlys y byddai gwrandawiad ffurfiol yn niweidiol i'ch iechyd.

(1) Name and Address of applicant.

(1) Enw a chyfeiriad y sawl sy'n gwneud y cais.

(2) State Section of Act or paragraph of Sixth Schedule to Act under which application is made.

(2) Noder Adran y Ddeddf neu'r paragraff yn Chweched Atodlen y Ddeddf y gwneir cais dano/dani.

(3) Name of patient.

(3) Enw'r claf.

(4) Delete whichever does not apply.

(4) Dilëer yr un nad yw'n gymwys.

(5) Name and address of hospital or mental nursing home.

(5) Enw a chyfeiriad yr ysbyty neu gartref nyrsio y meddwl.

(6) Name and address of guardian

(6) Enw a chyfeiriad y gwarcheidwad.

FORM 2
FFURFLEN 2

MENTAL HEALTH REVIEW TRIBUNAL RULES 1960

RHEOLAU TRIBIWNLYS ADOLYGU IECHYD Y MEDDWL 1960

APPLICATION BY THE PATIENT'S NEAREST RELATIVE OR BY A DISPLACED RELATIVE

CAIS GAN BERTHYNAS AGOSAF Y CLAF NEU GAN BERTHYNAS A DDISODLWYD

1. I(1).....of.....
Yr wyf i o
.....hereby apply to the Mental Health
drwy hyn yn gwneud cais i'r Tribiwnlys

Review Tribunal for the.....Hospital Board area in
Adolygu Iechyd y Meddwl ar gyfer Bwrdd Ysbytai Cylch.....

accordance with (2).....of the Mental Health Act 1959 in
yn unol â/ag o Ddeddf Iechyd y Meddwl, 1959

respect of (3).....who is
ynglŷn â sydd

(4) detained in (5).....
wedi'i gadw/chadw yn

OR
NEU

(4) in the guardianship of (6).....
dan warcheidwaeth

.....

2. I am
Myfi yw

(*a*) the patient's nearest relative within the meaning of the Act being his/her (7).....
perthynas agosaf y claf o fewn ystyr y Ddeddf gan fy mod yn.....

(7) State relationship.
(7) Noder y berthynas.

and am exercising the functions of nearest relative
ac yn cyflawni dyletswyddau'r perthynas agosaf

iddo/iddi

OR
NEU

(*b*) the patient's nearest relative within the meaning of the Act being his/her (7).....
perthynas agosaf y claf o fewn ystyr y ddeddf gan fy mod yn.....

but was divested of the functions of nearest relative by an order of the (8).....County Court
ond diosgwyd fi o ddyletswyddau perthynas agosaf dan orchymyn gan Lys Sirol
made on (9).....19
a wnaed ar

iddo/iddi

(8) Name of Court.
(8) Enw'r Llys.
(9) Date of order.
(9) Dyddiad y gorchymyn.

OR
NEU

*authorised to exercise the functions of the patient's nearest relative by Awdurdodwyd fi i gyflawni dyletswyddau perthynas agosaf y claf gan

*a county court / the patient's nearest relative and a copy of the authority is attached to this application. (10)

*lys sirol / berthynas agosaf y claf ac amgaeir copi o'r awdurdod ynghlwm wrth y cais hwn.

*Delete whichever does not apply.
*Dileër yr un nad yw'n gymwys.
(10) Copy of County Court order or of form of authority signed by the nearest relative.
(10) Copi o orchymyn y llys sirol neu o'r ffurflen awdurdod wedi'i lofnodi gan y perthynas agosaf.

3. Details of application
Manylion am y cais

The applicant should here give his/her reasons for making the application. If a formal hearing is desired—see Note at end of this form—this should be stated here.

Dylai'r sawl sy'n gwneud y cais roi yma ei resymau/ei rhesymau dros wneud y cais. Os dymunir cael gwrandawiad ffurfiol—gweler y Nodyn ar ddiwedd y ffurflen hon—dylid nodi hynny yma hefyd.

Signature of applicant.....
Llofnod y sawl sy'n gwneud y cais,
or person authorised to sign on his behalf
neu berson ag awdurdod i lofnodi ar ei ran
Date.....19.....
Dyddiad

Note on Tribunal's powers as to postponement, informal determination and formal hearings

Under the Mental Health Review Tribunal Rules 1960, 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 same or another Mental Health Review Tribunal during the preceding twelve months.

You may request a formal hearing. This means that 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 informally 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 mumbers of the Tribunal appointed to deal with the application.

Nodyn ar awdurdod y Tribiwnlys ynglŷn â gohirio, penderfyniad anffurfiol a gwrandawiad ffurfiol

Dan Reolau Tribiwnlys Adolygu Iechyd y Meddwl 1960, gall y Tribiwnlys (ond gydag eithriadau arbennig) ohirio ystyried cais os ystyriwyd cais cynharach ynglŷn â'r un claf gan yr un Tribiwnlys Adolygu Iechyd y Meddwl, neu gan Dribiwnlys arall yn ystod y deuddeng mis blaenorol.

Gellwch wneud cais am wrandawiad ffurfiol. Golyga hyn y bydd pawb y mae a wnelo'r cais â hwy, yn dod gerbron y Tribiwnlys yr un pryd oni fydd y Tribiwnlys, am resymau arbennig, yn tybied ei bod yn ddymunol gwahardd rhyw berson. Os na ofynnwch am wrandawiad ffurfiol, penderfynir y cais yn anffurfiol mewn modd a ystyrir yn gymwys gan y Tribiwnlys. Ym mhob achos, archwilir y claf gan aelod meddygol y Tribiwnlys, a bydd gennych chwi a'r claf (os mynn) hawl i gael cyfweliad gyda holl aelodau'r Tribiwnlys a benodir i ddelio â'r cais.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules prescribe bilingual forms to be used for applications to the Mental Health Review Tribunal for the Welsh Hospital Board area.