
STATUTORY INSTRUMENTS

2014 No. 514

The Tribunal Procedure (Amendment) Rules 2014

Amendments to the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008

18. For rule 34 (medical examination of the patient), substitute—

“**34.**—(1) Where paragraph (2) applies, an appropriate member of the Tribunal must, so far as practicable, examine the patient in order to form an opinion of the patient’s mental condition, and may do so in private.

(2) This paragraph applies—

- (a) in proceedings under section 66(1)(a) of the Mental Health Act 1983⁽¹⁾ (application in respect of an admission for assessment), unless the Tribunal is satisfied that the patient does not want such an examination;
- (b) in any other case, if the patient or the patient’s representative has informed the Tribunal in writing, not less than 14 days before the hearing, that—
 - (i) the patient; or
 - (ii) if the patient lacks the capacity to make such a decision, the patient’s representative,wishes there to be such an examination; or
- (c) if the Tribunal has directed that there be such an examination.”