

SCHEDULE 1

RSC ORDER 94

APPLICATIONS AND APPEALS TO HIGH COURT
UNDER VARIOUS ACTS: QUEEN'S BENCH DIVISION

Case stated by Mental Health Review Tribunal

Rule 11.—(1) In this rule “the Act” means the Mental Health Act 1983⁽¹⁾.

(2) The reference in paragraph (3) to a party to proceedings before a Mental Health Review Tribunal, and the references in Order 56, rules 8 (1), 9 (2) and 10 to a party to proceedings shall be construed as references to—

- (a) the person who initiated the proceedings; and
- (b) any person to whom, in accordance with rules made under section 78 of the Act, the Tribunal sent notice of the application or reference or a request instead of notice of reference.

(3) A party to proceedings before a Mental Health Review Tribunal shall not be entitled to apply to the High Court for an order under section 78 (8) of the Act directing the Tribunal to state a case for determination by the Court unless—

- (a) within 21 days after the decision of the Tribunal was communicated to him in accordance with rules made under section 78 of the Act he made a written request to the Tribunal to state a case, and
- (b) either the Tribunal failed to comply with the last-mentioned request within 21 days after it was made or the Tribunal refused to comply with it.

(4) The period for issuing the claim form by which an application to the Court for such an order as is mentioned in paragraph (3) is made, and for service of the claim form shall be—

- (a) where the Tribunal refused the applicant’s request to state a case, 14 days after receipt by the applicant of notice of the refusal of his request;
- (b) where the Tribunal failed to comply with that request within the period mentioned in paragraph (3)(b) 14 days after the expiration of that period.

(5) A Mental Health Review Tribunal by whom a case is stated shall be entitled to appear and be heard in the proceedings for the determination of the case.

(6) If the Court is of opinion that any decision of such a Tribunal on the question of law raised by the case was erroneous, the Court may give any direction which the Tribunal ought to have given under Part V of the Act.

(1) 1983 c. 20.