
STATUTORY INSTRUMENTS

2008 No. 2699

**The Tribunal Procedure (First-tier Tribunal)
(Health, Education and Social Care Chamber) Rules 2008**

PART 2

General powers and provisions

Representatives

11.—(1) A party may appoint a representative (whether a legal representative or not) to represent that party in the proceedings.

[^{F1}(1A) Where a child or young person is a party to proceedings, that child or young person may appoint a representative under paragraph (1).]

(2) If a party appoints a representative, that party (or the representative if the representative is a legal representative) must send or deliver to the Tribunal and to each other party written notice of the representative's name and address.

(3) Anything permitted or required to be done by a party under these Rules, a practice direction or a direction may be done by the representative of that party, except—

- (a) signing a witness statement; or
- (b) signing an application notice under rule 20 (the application notice) if the representative is not a legal representative.

(4) A person who receives due notice of the appointment of a representative—

- (a) must provide to the representative any document which is required to be provided to the represented party, and need not provide that document to the represented party; and
- (b) may assume that the representative is and remains authorised as such until they receive written notification that this is not so from the representative or the represented party.

(5) At a hearing a party may be accompanied by another person whose name and address has not been notified under paragraph (2) but who, subject to paragraph (8) and with the permission of the Tribunal, may act as a representative or otherwise assist in presenting the party's case at the hearing.

(6) Paragraphs (2) to (4) do not apply to a person who accompanies a party under paragraph (5).

(7) In a mental health case, if the patient has not appointed a representative, the Tribunal may appoint a legal representative for the patient where—

- (a) the patient has stated that they do not wish to conduct their own case or that they wish to be represented; or
- (b) the patient lacks the capacity to appoint a representative but the Tribunal believes that it is in the patient's best interests for the patient to be represented.

(8) In a mental health case a party may not appoint as a representative, or be represented or assisted at a hearing by—

Changes to legislation: There are currently no known outstanding effects for the *The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, Section 11*. (See end of Document for details)

- (a) a person liable to be detained or subject to guardianship^{F2} ..., or who is a community patient, under the Mental Health Act 1983; or
- (b) a person receiving treatment for mental disorder at the same hospital as the patient.

Textual Amendments

- F1** Rule 11(1A) inserted (1.9.2014) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), [rules 1\(a\)](#), [21](#) (with [rule 38](#))
- F2** Words in rule 11(8)(a) omitted (1.4.2013) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), [rules 1\(2\)\(c\)](#), [16](#)

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, Section 11.