
STATUTORY INSTRUMENTS

2008 No. 2705

The Mental Health Review Tribunal for Wales Rules 2008

PART 4

Correcting and appealing Tribunal decisions

Clerical mistakes, accidental slips or omissions and irregularities

29.—(1) The Tribunal may at any time correct any clerical mistake or other accidental slip or omission in a decision, direction or any document produced by it, by sending notification of the amended decision or direction, or a copy of the amended document, to all parties.

(2) Any irregularity resulting from failure to comply with these Rules before the Tribunal has determined an application shall not of itself render the proceedings void, but the Tribunal may, and must if it considers that any person may have been prejudiced, take such steps to cure the irregularity as it thinks fit before determining the application, whether by the amendment of any document, the giving of any notice or otherwise.

Application for permission to appeal

30.—(1) This rule applies to an application for permission to appeal against a decision of the Tribunal on a point of law under section 78A of the Act (appeal from the Tribunal to the Upper Tribunal).

(2) A party seeking permission to appeal must send or deliver to the Tribunal a written application for permission to appeal so that it is received no later than 28 days after the date that the Tribunal sent written reasons for the decision to the party making the application.

(3) If the party sends or delivers the application to the Tribunal later than the time required by paragraph (2) or by any extension of time under rule 5(2)(a) (power to extend time) —

- (a) the application must include a request for an extension of time and the reason why the application was not provided in time; and
- (b) unless the Tribunal extends time for the application under rule 5(2)(a), the Tribunal must not admit the application.

(4) An application under paragraph (2) must—

- (a) identify the decision of the Tribunal to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the party making the application seeks.

(5) Upon considering the application for permission to appeal, the Tribunal must send to the parties as soon as practicable—

- (a) a record of its decision; and
- (b) if the Tribunal has refused to grant permission—
 - (i) reasons for such refusal; and

(ii) notification of the right to make an application to the Upper Tribunal for permission to appeal and the time within which, and the method by which, such application must be made.

(6) The Tribunal may grant permission to appeal on limited grounds, but must comply with paragraph (5)(b) in relation to any grounds on which it has refused permission.