

2017 No. 1039 (L. 17)

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

**The Mental Health Review Tribunal for Wales (Amendment and
constitution of tribunals) Rules 2017**

<i>Made</i> - - - -	<i>26th October 2017</i>
<i>Laid before Parliament</i>	<i>31st October 2017</i>
<i>Coming into force</i> - -	<i>1st December 2017</i>

The Lord Chancellor makes these Rules in exercise of the powers conferred by section 78 of the Mental Health Act 1983(a).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Mental Health Review Tribunal for Wales (Amendment and constitution of tribunals) Rules 2017 and come into force on 1st December 2017.

(2) In these rules “the 2008 Rules” means The Mental Health Review Tribunal for Wales Rules 2008(b).

Amendments to the Mental Health Review Tribunal for Wales Rules 2008

2.—(1) The 2008 Rules are amended in accordance with this rule.

(2) In rule 4 (preliminary and incidental matters), for “chairman” substitute “President”.

(3) In rule 11 (appointment of the tribunal)—

(a) in paragraph 1(c) for “the chairman or, as the case may be, president” substitute “the President or, as the case may be, chairman”, and

(b) in paragraph (2) for “president” substitute “chairman”.

(4) In rule 23 (transfer of proceedings), in paragraphs (1) and (2) for the word “chairman” substitute “President”.

Constitution of tribunals considering matters relating to restricted patients

3. A person is qualified to serve as chairman of the Mental Health Review Tribunal for Wales for the consideration of an application or reference relating to a restricted patient if immediately before the coming into force of these rules they were approved under rule 11(2) of the 2008 Rules to serve as president of the Tribunal for the consideration of such an application or reference.

(a) 1983 (c. 20); this section was amended by paragraph 40 of schedule 3 to the Arbitration Act 1996 (c. 23); section 38(3) of, and Part 6 of Schedule 11 to, the Mental Health Act 2007 (c. 12); paragraph 60 of Schedule 21 to the Legal Services Act 2007 (c. 29) and by S.I. 2008/2833.

(b) S.I. 2008/2705, to which there are amendments not relevant to this instrument.

26th October 2017

David Lidington
Lord Chancellor
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

Subsections (3), (5), (7) and (9) of section 38 of the Mental Health Act 2007 (c.12) rename certain judicial offices in the Mental Health Review Tribunal for Wales by amending the Mental Health Act 1983 (“the 1983 Act”). Specifically, they rename the role of “chairman” of the Tribunal as “president” and, where the term “president” as it is currently used under the 1983 Act to refer to the chair of a Tribunal constituted for particular proceedings, it is replaced with “chairman”. These amendments are brought into force by the Mental Health Act 2007 (Commencement No.12 and Transitional Provisions) Order 2017 (S.I. 1038, C. 95) on 1st December 2017.

The amendments made by this instrument change the references in the Mental Health Review Tribunal for Wales Rules 2008 (S.I.2705) to the chairman and president of the Mental Health Review Tribunal consequential on the coming into force of those provisions.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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