



Jersey

**MENTAL HEALTH AND CAPACITY
(REVIEW TRIBUNAL) (PROCEDURE)
(JERSEY) ORDER 2018**

Official Consolidated Version

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MENTAL HEALTH AND CAPACITY (REVIEW TRIBUNAL) (PROCEDURE) (JERSEY) ORDER 2018

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MENTAL HEALTH AND CAPACITY (REVIEW TRIBUNAL) (PROCEDURE) (JERSEY) ORDER 2018

THE MINISTER FOR HEALTH AND SOCIAL SERVICES, in pursuance of Articles 49, 50, and 95 of the [Mental Health \(Jersey\) Law 2016](#), and paragraph 5 of Part 1 and paragraph 1 of Part 2 of the Schedule to that Law, and Articles 55 and 70 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Order –

“application” has the meaning given by Article 4(6) and except where the context otherwise requires, includes a reference by the Attorney General or the Minister, and “applicant” is to be construed accordingly;

“authority’s statement” has the meaning given by Article 6;

“Capacity Law” means the [Capacity and Self-Determination \(Jersey\) Law 2016](#);

“Mental Health Law” means the [Mental Health \(Jersey\) Law 2016](#);

“overriding objective” is to be construed in accordance with Article 2;

“P”, in relation to an application for review of a standard authorization, has the meaning given by Part 5 of the Capacity Law;

“party” has the meaning given by Article 11(8);

“patient”, in relation to an application, means the person in respect of whom an application is made and (unless otherwise specifically provided) includes P;

“practice directions” means general directions given by the Tribunal in exercise of its powers under Article 10(1);

“responsible authority” means –

(a) in relation to a patient liable to be detained under the Mental Health Law in an approved establishment, the manager of the approved establishment;

(b) in relation to a patient subject to guardianship, the Minister; and

(c) in relation to P, the manager of the relevant place;

“restricted matter” has the meaning given by Article 7;

“Tribunal” means a Mental Health Review Tribunal established under Part 7 of the Mental Health Law.

- (2) A reference in this Order to the president of a Tribunal is to be taken as a reference –
- (a) to the Chairman of the Tribunal; or
 - (b) if for any reason the Chairman is unable to act, to the Vice-Chairman; or
 - (c) if for any reason both the Chairman and Vice-Chairman are unable to act, to such legal member of the Tribunal as may be appointed by the Bailiff on such terms (including capacity to act as Chairman) as the Bailiff may see fit.

2 Overriding objective, and duty of co-operation

- (1) The overriding objective of this Order is to enable a Tribunal to deal with cases fairly and justly.
- (2) Dealing with a case fairly and justly includes, so far as practicable –
- (a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties;
 - (b) avoiding unnecessary formality, and seeking flexibility, in the proceedings;
 - (c) ensuring that the parties are able to participate fully in the proceedings;
 - (d) using any special expertise of the Tribunal effectively; and
 - (e) avoiding delay, so far as compatible with proper consideration of the issues.
- (3) In exercising any power under this Order and in interpreting any relevant rule or practice direction, the Tribunal must seek to give effect to the overriding objective.
- (4) The parties to any proceedings and their representatives must –
- (a) help the Tribunal to give effect to the overriding objective; and
 - (b) co-operate with the Tribunal generally.

3 Alternative dispute resolution

In relation to an application the Tribunal may, where appropriate –

- (a) bring to the attention of the parties the availability of any appropriate alternative procedure for the resolution of a disputed issue; and
- (b) if the parties wish, and provided that to do so is compatible with the overriding objective, facilitate the use of such a procedure.

4 Form and manner of applications

- (1) Unless otherwise directed by the Tribunal, an application must be made –
- (a) in accordance with such requirements, as to the form and manner of applications, as may be set out by the Tribunal in practice directions; or
 - (b) by a notice in writing which –
 - (i) is substantially to the same effect as any such requirements, and
 - (ii) complies with paragraph (2).
- (2) A notice in writing must include, at least –
- (a) the name and address of the applicant;

- (b) the name and address of the patient (if the patient is not the applicant);
 - (c) the name and address of the patient's representative, if any;
 - (d) the name and address of any respondent;
 - (e) a statement that the applicant (where the applicant is not the Attorney General or the Minister) has capacity to make the application on his or her own behalf, and (where applicable) to instruct any representative, or, if such a statement cannot be made, details of the lack of capacity and a statement of the relationship of the applicant to the patient;
 - (f) details of the decision or exercise of power, or failure to decide or exercise a power, to which the application relates;
 - (g) the result which the applicant is seeking;
 - (h) the reasons on which the applicant relies; and
 - (i) any further information or documents on which the applicant seeks to reply or which is required by any applicable practice direction.
- (3) The notice under paragraph (1)(b) must also be accompanied, so far as reasonably practicable, by –
- (a) a copy of any written record of the decision, exercise of power, or failure to which the application relates; and
 - (b) any statement of reasons for the decision, exercise of power or failure which the applicant has or can reasonably obtain.
- (4) The Tribunal or the responsible authority must on request supply a copy of any applicable form which may be set out in a practice direction under paragraph (1)(a).
- (5) Where the Tribunal considers that an application purporting to be made under this Article is defective in any respect, the Tribunal may require the applicant to supply, within a reasonable time, such information as would in the Tribunal's view remedy the defect and enable the Tribunal to consider the application.
- (6) In this Article, "application" means an application for review of a decision, or of the exercise of a power, under the Mental Health Law or the Capacity Law.

5 Notification by Tribunal to responsible authority and others

- (1) Following receipt of an application duly made under Article 4, the Tribunal must as soon as practicable send a copy of the application to the responsible authority.
- (2) For the purposes of paragraph (1), the "application" includes all documents which together provide the matters required to be supplied under Article 4.
- (3) The Tribunal must give notice of the application –
 - (a) where the patient is liable to be detained in an approved establishment, to the Minister or, as the case may be, to the manager;
 - (b) where the patient is subject to guardianship, to the Minister or, as the case may be, to the private guardian;
 - (c) in a case concerning a standard authorization, to the Minister; and
 - (d) where the applicant is capable of consenting, and has consented, to such notice being given –

- (i) if the applicant is a patient under the Mental Health Law, to the person named in the authority's statement as exercising the functions of the nearest person, or
 - (ii) if the applicant is P, to P's nearest relative.
- (4) Without prejudice to paragraph (3), and subject to paragraph (5), in any case in which the Tribunal consider it would be appropriate (and, where P is concerned, in P's best interests) to do so, the Tribunal may give notice of an application to the nearest person or nearest relative, as the case may be.
- (5) Where the intention of the Tribunal is to give notice under paragraph (4) of an application to the nearest person or nearest relative, the Tribunal must first, before giving such notice –
 - (a) obtain the patient's consent, if the patient is capable of consenting to such notice being given; or
 - (b) if the patient is not so capable –
 - (i) obtain an understanding, so far as possible, of any views of the patient as to the giving of such notice, and
 - (ii) seek the opinion of the patient's responsible medical officer or, where P is concerned, of the manager of the relevant place, as to whether such notice should be given.
- (6) Notice under this Article may be given –
 - (a) in such form and manner as may be further specified in practice directions by the Tribunal; or
 - (b) by a notice in writing which is substantially to the same effect as any specified form.
- (7) In paragraph (5)(3), "private guardian" means a person, other than the Minister, who acts as a patient's guardian under Part 4 of the Mental Health Law.

6 Statement to be supplied by responsible authority to Tribunal

- (1) Within such period of time (beginning with the date on which the responsible authority receives a copy of an application) as the Tribunal may direct, and as soon as practicable, the authority must (subject to Article 7) send to the Tribunal –
 - (a) the factual information described in Part A of the Schedule;
 - (b) the reports, and any other observations, described in Part B of the Schedule; and
 - (c) copies of all documentary evidence –
 - (i) in support of the information, reports and observations mentioned in sub-paragraphs (a) and (b), or
 - (ii) otherwise in support of the decision, exercise of power or failure to which the application relates,together referred to as the "authority's statement".
- (2) In addition to the authority's statement, the responsible authority must, within the same period as provided by paragraph (1) –
 - (a) give the Tribunal, and (subject to paragraph (4)) the applicant, access to such other documents or information (including in particular, but not limited to,

- psychiatric records) as may be in the authority's possession and relevant to consideration of the application; and
- (b) provide copies of such documents or information to the Tribunal, and (subject to paragraph (4)) the applicant, upon request.
- (3) The Tribunal may, where necessary and relevant to consideration of the application, direct the responsible authority to provide to the Tribunal such other documents or information as may be in the authority's possession and are specified by the Tribunal.
 - (4) The responsible authority must not give access to, or provide copies of, any document or information disclosed under paragraph (2) or (3) to an applicant who is a patient –
 - (a) in the case of an application under the Mental Health Law, unless the authority has first obtained confirmation from the patient's responsible medical officer that doing so would not be likely to cause serious harm to the patient or any other person; or
 - (b) in the case of an application by P under the Capacity Law, unless the authority has first obtained confirmation, from such persons as the authority may consider appropriate, that doing so would not be likely to cause serious harm to P or to P's best interests, or to any other person.
 - (4) The operation of this Article and Articles 7 and 8 is without prejudice to any rights of access to personal information conferred, by the [Data Protection \(Jersey\) Law 2018](#), upon the applicant as data subject within the meaning given by that Law.

7 Restricted matters

- (1) Where, in the opinion of the responsible authority, any matter mentioned in Article 6(1)(a) to (c) should not be disclosed to the applicant or (if different) the patient (a "restricted matter"), the authority must –
 - (a) specify the restricted matter and either –
 - (i) so identify the restricted matter as to ensure that it may be readily separated or excluded from the rest of the authority's statement, or
 - (ii) send the restricted matter to the Tribunal together with, but separately from, the rest of the authority's statement; and
 - (b) in either case, specify the reasons for the authority's opinion that the matter should be a restricted matter.
- (2) As soon as practicable following receipt of an authority's statement which contains or refers to any restricted matter, the Tribunal must determine, in accordance with paragraph (3), the question of whether or not to disclose the restricted matter to the applicant or (as the case may be) the patient.
- (3) Restricted matter may be disclosed only if the Tribunal gives a direction to such effect to the responsible authority, but the Tribunal must not give such a direction where, in the opinion of the Tribunal –
 - (a) disclosure of the matter would be likely to cause any person serious harm; and
 - (b) having regard to the overriding objective it is proportionate to withhold the restricted matter from the applicant or (as the case may be) the patient.

8 Information to be supplied by Tribunal

- (1) The Tribunal must –
 - (a) send to the applicant a copy of the authority's statement, excluding (subject to Article 7(3)) any restricted matter; and
 - (b) invite comments, from the applicant, on the authority's statement.
- (2) Where any comments are received from the applicant on the authority's statement, the Tribunal must give the responsible authority a copy of the comments and a reasonable opportunity to respond to the comments.

9 Tribunal to be convened for consideration of applications

- (1) Subject to Article 3, the president must convene the members of a Tribunal to determine an application, and the president, or another legal member so convened, may issue such directions as to preliminary matters relating to the application or any associated proceedings as the president (or as the case may be, other legal member) may consider necessary.
- (2) The president must convene the members under paragraph (1) –
 - (a) as soon as reasonably practicable following receipt of a reference from the Attorney General or the Minister;
 - (b) as soon as reasonably practicable following the receipt of an authority's statement, upon the expiry of the period in Article 6(1), or
 - (c) as the president may otherwise consider appropriate.

10 Tribunal's general powers to direct proceedings

- (1) For the purpose of giving effect to the overriding objective, the Tribunal may give such directions as to the conduct or disposal of proceedings as may seem necessary at any time, including general directions as to its own practice.
- (2) In particular, and without prejudice to the generality of paragraph (1), the Tribunal (whether of its own motion, or on the application of any party) may –
 - (a) consider more than one application in respect of a patient at the same time, and may for this purpose adjourn any proceedings;
 - (b) shorten or extend any time period specified in this Order;
 - (c) waive any requirement in this Order for a form, information, evidence or other statements to be given in writing, or for documents to be provided;
 - (d) request the responsible authority to provide access to any documents or information in its possession which –
 - (i) in the view of the Tribunal, may be relevant to consideration of the application, and
 - (ii) are additional to those supplied by the authority under Article 6(2);
 - (e) give directions as to the manner in which any evidence, statements or submissions are to be provided to the Tribunal, or any interviews are to be conducted, including directions for such evidence, statements or submissions to be given or interviews to be conducted orally in person, or by means of –
 - (i) a recording, whether audio or audiovisual,
 - (ii) a telephone, television or internet connection, or

- (iii) any other appropriate digital or electronic method of communication; and
- (f) dispense with the requirement under Article 16(1) for a determination to be made at a hearing, in any case in which –
 - (i) the Tribunal considers the documentary evidence to be sufficient to enable it to determine a matter, and
 - (ii) it would be appropriate to do so.

11 Parties' representatives

- (1) Subject to paragraph (2), a party may be represented, in any dealings with or proceedings before the Tribunal, by any person appointed by the party for that purpose.
- (2) A party may not be represented by –
 - (a) a person liable to be detained or subject to guardianship under the Mental Health Law;
 - (b) a person receiving treatment for mental disorder at the same approved establishment as the patient by or in respect of whom the application is made; or
 - (c) in the case of P, a person resident at the same relevant place as P.
- (3) Without prejudice to paragraph (1), the Tribunal may appoint any person as a representative of the patient where the Tribunal considers that it is in the best interests of the patient to do so, and in particular (but without limitation) where –
 - (a) the applicant has capacity to appoint a representative, but –
 - (i) has not yet done so, and
 - (ii) indicates that he or she wishes to be represented, or does not wish to conduct his or her own case; or
 - (b) in the opinion of the Tribunal, the patient lacks capacity to appoint a representative.
- (4) Where the Tribunal appoints a person as representative under paragraph (3), the Tribunal must send notice in writing of the appointment, and of the representative's name and address, to each of the parties.
- (5) Where a party appoints a representative –
 - (a) the party must give notice in writing of the appointment, and of the representative's name and address, to the Tribunal and to each of the other parties; and
 - (b) it is to be assumed that the appointment subsists unless and until notice in writing to the contrary is received by the Tribunal.
- (6) A reference in Articles 6, 13, 19 and 20 to any party includes reference to that party's representative as appointed under this Article, and such a representative may take all such steps and do all such things relating to the application as the person whom he or she represents is required or authorized by this Order to take or do.
- (7) Unless the Tribunal otherwise directs, a patient or other person appearing before the Tribunal may be accompanied by such other person or persons as he or she wishes (provided that any such person does not seek to act as representative of any

party, where such a representative has been appointed by the party or by the Tribunal).

- (8) In this Article, “party” means the applicant, the responsible authority and any person to whom notice of an application has been given under Article 5.

12 Medical examinations

- (1) The medical member of the Tribunal appointed to consider the application may examine, interview or assess a patient or take such other steps as he or she considers necessary to form an opinion of the patient’s mental condition.
- (2) For the purposes of paragraph (1) a patient may be seen in private and his or her medical records may be examined.

13 Documents etc. to be provided to parties

- (1) The Tribunal must provide to the parties copies of all documents obtained by or sent to the Tribunal for the purposes of the proceedings and a statement of any oral information so obtained or provided, except to the extent that –
- (a) the Tribunal considers that any document or part of a document or any oral information received in connection with the application is not relevant for the purposes of the application; or
- (b) the Tribunal determines, under Article 7, that any restricted matter should not be disclosed to the applicant.
- (2) The Tribunal must give the parties a reasonable opportunity to consider any document or information made available under paragraph (1), including if so requested by adjourning any hearing of the application for a reasonable period.
- (3) The Tribunal may disclose to any person any information withheld under the provisions of this Order on terms that the information must not be disclosed to the applicant or the patient or to any other person or be used otherwise than in connection with the application.

14 Evidence to be provided to Tribunal

- (1) The Tribunal may call for such documents and examine such witnesses as may in the Tribunal’s view be able to provide evidence which is relevant to the proceedings.
- (2) The Tribunal may require any party to or any witness in the proceedings to give evidence on oath, and the president (or other legal member as mentioned in Article 9(1)) has power to administer the oath for that purpose, but no person may be compelled to give any evidence or produce any document which he or she could not be compelled to give or produce on the trial of an action.
- (3) The Tribunal may receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law.

15 Withdrawal of applications

- (1) An applicant may withdraw an application at any time, on giving notice in writing of the withdrawal to the Tribunal.
- (2) An application is to be treated as withdrawn (subject to, and to such extent as may be provided in, any direction given by the Tribunal) if –
 - (a) in the case of a patient under the Mental Health Law, the patient ceases to be liable to be detained or subject to guardianship;
 - (b) in the case of P, P ceases to be subject to a standard authorization.

16 Manner of determination

- (1) Except where, under Article 10 or this Article, the Tribunal otherwise directs, an application must be determined at a hearing.
- (2) Where the Tribunal is satisfied that proceeding by way of a hearing would be likely to cause serious harm to the patient's health, the Tribunal may, before determining an application, direct that no hearing should be held on that application.
- (3) Where the Tribunal gives a direction under paragraph (1), the direction and a statement of the reasons for it must be sent to the applicant and the responsible authority.
- (4) Where the Tribunal considers that an application should be determined by way of a hearing, the Tribunal must give to each party reasonable notice of the date, time and place fixed for the hearing.
- (5) Except where otherwise required under the Mental Health Law, an application must be determined as soon as reasonably practicable, and in any event within the period of 3 months beginning with the date on which the application is received by the Tribunal.

17 Conduct of hearings

- (1) A hearing by the Tribunal must be conducted in private, unless –
 - (a) the applicant requests a hearing in public; and
 - (b) the Tribunal is satisfied that a hearing in public would not be detrimental to the interests of the patient and would not for any other reason be undesirable.
- (2) When sitting in private the Tribunal may admit to the hearing any person or class of persons on such terms and conditions as the Tribunal considers appropriate.
- (3) The Tribunal may exclude from any hearing or from any part of a hearing such person or class of persons as the Tribunal thinks fit, and may exclude the patient or any other person from the hearing of evidence if, in their opinion, it would be undesirable in the interests of the patient or for other special reasons for the patient or such other person to be present.
- (4) Except to the extent directed by the Tribunal and as may be compatible with the [Data Protection \(Jersey\) Law 2018](#), information about proceedings before the Tribunal and the names of any persons concerned in the proceedings must not be made public.
- (5) Subject to paragraphs (6) to (10) and to the overriding objective, any person who has received notice of the hearing may appear and take such part in the proceedings as the Tribunal thinks fit.

- (6) The Tribunal must give an applicant the opportunity to address the Tribunal, and to give evidence and to call witnesses.
- (7) The responsible authority, and with the permission of the Tribunal any other person, may put questions to the applicant or to any witness called by him or her or on his or her behalf.
- (8) The Tribunal must give the responsible authority, and any other party notified of the hearing under Article 16(4), an opportunity to address the Tribunal and to give evidence and to call witnesses, and may permit any other person to do so as the Tribunal thinks fit.
- (9) The applicant and the responsible authority, and with the permission of the Tribunal any other person, may put questions to any person giving evidence before the Tribunal under paragraph (8).
- (10) Where the patient is the applicant or is called as a witness, the Tribunal may, if the Tribunal considers it is desirable in the interests of the patient's health or in P's best interests to do so, interview the patient or take his or her evidence in private or in any manner the Tribunal considers appropriate.

18 Additional powers of Tribunal

- (1) Before determining an application the Tribunal may –
 - (a) take such steps as it considers proper (including interviewing any person) to ensure that all relevant information is before the Tribunal; and
 - (b) consider any written representations made to the Tribunal with reference to the application.
- (2) The Tribunal must give any person interviewed under paragraph (1)(a) the opportunity to state his or her views and to draw the Tribunal's attention to any matter relevant to the application.
- (3) An interview under this Article must take place in private but the Tribunal may, if it thinks fit, authorize any person (other than the interviewee) to attend.
- (4) Where it appears to the Tribunal that it is desirable to obtain further information on any point, the Tribunal may adjourn a hearing, for the purpose of enabling –
 - (a) the information to be obtained in such manner as the Tribunal may direct; or
 - (b) the applicant, or any other person concerned, to produce the information requested.
- (5) Following an adjournment under paragraph (4), where –
 - (a) the Tribunal considers that a resumed hearing is desirable; or
 - (b) a resumed hearing is requested by the applicant or the responsible authority, reasonable notice of the resumed hearing must be given to the parties, and to any other person who was notified of the hearing under the provisions of Article 16(4) and who appeared at the previous hearing.

19 Tribunal decisions

- (1) The Tribunal's decision is the decision of the majority of the members of the Tribunal appointed to consider an application.
- (2) The Tribunal's decision in any proceedings must be –
 - (a) recorded in such form as may be specified in practice directions; and
 - (b) signed by the president.
- (3) Subject to paragraphs (4) and (5) and Article 20(4), the Tribunal's decision must be communicated in writing, within the period of 7 days beginning with the date of the decision, to –
 - (a) the applicant;
 - (b) the responsible authority;
 - (c) the patient (where he or she is not the applicant);
 - (d) in the case of a decision under Article 85 of the Mental Health Law, the Minister; and
 - (e) such other persons as the Tribunal may direct,and (except in the case mentioned in sub-paragraph (d)) the Tribunal must at the same time inform the applicant, the patient (where he or she is not the applicant), and the responsible authority of their right to receive reasons for the decision in accordance with Article 20.
- (4) Where –
 - (a) the patient is not the applicant; and
 - (b) the Tribunal considers that it would not be desirable to communicate the decision in writing to the patient,the Tribunal's decision must be communicated to the patient in such a manner as the Tribunal may consider appropriate.

20 Statement of reasons for decision

- (1) Subject to paragraph (4), within the period of 28 days beginning with the date of the decision the Tribunal must send a statement in writing of the reasons for the Tribunal's decision, to –
 - (a) the applicant;
 - (b) the patient (where the patient is not the applicant);
 - (c) the responsible authority; and
 - (d) where the application relates to an authorization under Article 85 of the Mental Health Law, the Minister.
- (2) The statement of reasons must be signed by the president.
- (3) Paragraph (4) applies where the Tribunal is satisfied that any information contained in the statement of reasons would be likely to cause any person serious harm.
- (4) Where this paragraph applies, the Tribunal may –
 - (a) prohibit the publication of the text, or of any summary, of the whole or part of the decision or the statement of reasons; or

- (b) direct that the statement of reasons be sent, or such text or summary be published, only to such persons and on such conditions as the Tribunal may specify.

21 Appointment of additional Tribunal members

Where –

- (a) an application has not been disposed of by the members of the Tribunal appointed for the purpose; and
- (b) the president is of the opinion that it is not practicable, or not possible without undue delay, for the consideration of the matter to be completed by those members, the president must make arrangements for the matter to be disposed of by other members of the Tribunal.

22 Extension of time

- (1) Where a time specified in this Order for doing any act expires on a Sunday or public holiday, and for that reason the act cannot be done on that day, the act is in time if it is done on the next working day.
- (2) A request for extension of a time specified in this Order may be granted by the Tribunal even though that request is not made until after the expiration of the time specified.

23 Sending of notices etc.

Any application, notice or other document required or authorized by this Order or by any practice direction to be sent or given to any person may be sent or given –

- (a) by post;
- (b) by delivery to that person's address (including delivery by a courier or messenger service);
- (c) by electronic communication; or
- (d) by being handed personally to the person or to the person's representative, if any.

24 Correction of irregularities

- (1) Any irregularity resulting from failure to comply with this Order before the Tribunal has reached a decision does 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 as it thinks fit before reaching its decision to cure the irregularity, whether by the amendment of any document, the giving of any notice, the taking of any step or otherwise.
- (2) Where the Tribunal corrects any error or omission in a decision, direction or other document produced by it, the Tribunal must take all reasonable steps to bring the correction to the attention of the parties.

25 Citation

This Order may be cited as the Mental Health and Capacity (Review Tribunal) (Procedure) (Jersey) Order 2018.

SCHEDULE

(Article 6)

STATEMENT BY RESPONSIBLE AUTHORITY

Part A Factual information to be supplied, so far as known to the authority:

1. Patient's full name.
2. Patient's age.
3. Details of the authorization, decision or act to which the application relates, including at least (as applicable) the date of –
 - (a) the patient's admission to approved establishment in which he or she is now detained;
 - (b) the patient's reception into guardianship; or
 - (c) the date of the authorization of restriction on P's liberty.
4. History of present authorization, or of the decision or act, to which the application relates, including at least the following information –
 - (a) in the case of detention or guardianship –
 - (i) the date of admission,
 - (ii) the provision of the Mental Health Law under which the authorization is made, and
 - (iii) the date of any subsequent renewal or transfer;
 - (b) in the case of a standard authorization under Part 5 of the Capacity Law –
 - (i) the date since which P has been resident in the relevant place,
 - (ii) the nature of the restrictions on liberty imposed,
 - (iii) the name and address of the assessor, and
 - (iv) the date of any subsequent renewal of the authorization or any transfer of P from the place to which the authorization relates.
5. In the case of detention or guardianship under the Mental Health Law, the mental disorder from which the patient is recorded as suffering.
6. Name and address of (as applicable) patient's nearest person or nearest relative, independent mental health advocate or independent capacity advocate.
7. If the responsible authority considers the applicant not entitled under the Mental Health Law or the Capacity Law to make the application, reasons for this opinion.

Part B Reports and observations

1. Any observations by the responsible authority, or by any other person considered relevant by the responsible authority, on the application, including, as applicable in the following specified cases –
 - (a) in the case of detention or guardianship under the Mental Health Law, a statement or reasons as to why the relevant responsible medical officer is not willing to discharge the patient, including a report on the patient's mental

-
- condition and an account of the facilities available for care of the patient if the authorization for detention or guardianship were discharged;
- (b) in the case of a standard authorization under Part 5 of the Capacity Law, a statement of reasons as to why the manager of the relevant place considers it necessary that restrictions on liberty should continue to be imposed on P.
2. An opinion of the responsible medical officer (in the case of detention or guardianship) or of the manager of the relevant place (in the case of a standard authorization) as to whether the holding of a hearing would cause serious harm to the patient's health or (where the patient is P) be seriously adverse to the patient's best interests.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Mental Health and Capacity (Review Tribunal) (Procedure) (Jersey) Order 2018	R&O.99/2018	1 October 2018

Table of Endnote References

There are currently no endnote references