



Jersey

**MENTAL HEALTH (REVIEW  
TRIBUNAL) (PROCEDURE) (JERSEY)  
ORDER 1971**

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Jersey

## MENTAL HEALTH (REVIEW TRIBUNAL) (PROCEDURE) (JERSEY) ORDER 1971

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Jersey

## **MENTAL HEALTH (REVIEW TRIBUNAL) (PROCEDURE) (JERSEY) ORDER 1971<sup>1</sup>**

**THE HEALTH AND SOCIAL SERVICES COMMITTEE** in pursuance of Article 52 and paragraph 10 of Schedule 1 to the Mental Health (Jersey) Law 1969,<sup>2</sup> orders as follows –

Commencement [[see endnotes](#)]

### **PART 1**

#### **INTERPRETATION**

##### **1**

In this Order, unless the context otherwise requires –

“applicant” means a person who under the Law is entitled to apply, or being so entitled has applied, as the case may be, to the Mental Health Review Tribunal; and “application” shall be construed accordingly;

“authority’s statement” has the meaning given by Article 5(1);

“Law” means the Mental Health (Jersey) Law 1969;<sup>3</sup>

“Minister” has the meaning assigned to it by paragraph (1) of Article 1 of the Law;

“nearest relative” in relation to a patient means the person who has for the time being the functions under the Law of the nearest relative of that patient;

“patient” in relation to an application means the person in respect of whom the application is made;

“president” means the chairman, vice-chairman, or deputy chairman, of the Tribunal, as the case requires in accordance with Article 1A;

“private guardian” in relation to a patient means a person, other than the Minister, who acts as guardian under the Law;

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“responsible authority” means –

- (a) in relation to a patient liable to be detained under the Law in a mental nursing home, the person carrying on that mental nursing home;
- (b) in relation to a patient liable to be detained in a hospital not being a mental nursing home, the Minister; and
- (c) in relation to a patient subject to guardianship, the Minister;

“restricted matter” has the meaning given by Article 5(4);

“Tribunal” means the Mental Health Review Tribunal constituted in accordance with Article 2 of the Law.<sup>4</sup>

## 1A<sup>5</sup>

In this Order, a reference to the president shall be taken to be a reference to the chairman of the Tribunal or, if for any reason the chairman is unable to act, to the vice-chairman of the Tribunal or, if neither the chairman nor the vice-chairman is available to act, to the deputy chairman of the Tribunal.

## PART 2

### PRELIMINARY PROCEDURE

## 2<sup>6</sup>

- (1) An application to the Tribunal may be made by a patient –
  - (a) in the form of application set out as Form 1 in Schedule 1; or
  - (b) by a notice in writing substantially to the same effect as Form 1 and containing at least –
    - (i) a statement that the applicant is (as the case may be) detained for treatment or for assessment, or under guardianship, and
    - (ii) a statement to the effect that the applicant wishes a Tribunal to be convened to consider the lawfulness of such detention or guardianship.
- (2) An application to the Tribunal may be made in respect of a patient by the nearest relative of the patient –
  - (a) in the form of application set out as Form 2 in Schedule 1; or
  - (b) by a notice in writing substantially to the same effect as Form 2 and containing at least –
    - (i) a statement that the patient is (as the case may be) detained for treatment or for assessment, or under guardianship, and
    - (ii) a statement to the effect that the applicant wishes a Tribunal to be convened to consider the lawfulness of such detention or guardianship.

- 
- (3) The Tribunal or the responsible authority shall on request supply a copy of the appropriate Form.
  - (4) 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.

3<sup>7</sup>

4<sup>8</sup>

- (1) Following receipt of an application duly made under Article 2, the Tribunal shall 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 information required to be supplied under Article 2.

5<sup>9</sup>

- (1) Within the period of 3 weeks beginning with the date on which the responsible authority receives a copy of an application, and as soon as practicable, the authority shall send to the Tribunal –
  - (a) the factual information described in Part A of Schedule 2;
  - (b) the reports, and any other observations, described in Part B of that 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 detention or guardianship to which the application relates,together referred to as the "authority's statement".
- (2) In addition to the authority's statement, the responsible authority shall, within the same period as provided by paragraph (1) –
  - (a) give the Tribunal and (subject to paragraph (3)) the applicant access to all 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 (3)) the applicant, upon request.

- 
- (3) The responsible authority shall not give access to, or provide copies of, any information to the applicant under paragraph (2), 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.
  - (4) Where, in the opinion of the responsible authority, any matter mentioned in paragraph (1)(a) to (c) should not be disclosed to the applicant or (if different) the patient (a 'restricted matter'), the authority shall –
    - (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 why the matter should be a restricted matter.
  - (5) On receipt of the authority's statement, the Tribunal shall send to the applicant a copy of the statement, excluding (subject to paragraphs (6) and (7)) any restricted matter.
  - (6) As soon as practicable following receipt of an authority's statement which contains or refers to any restricted matter, the Tribunal shall determine, in accordance with paragraph (7), the question of whether or not to disclose the restricted matter to the applicant.
  - (7) Restricted matter may be disclosed following a direction to that effect given by the Tribunal to the responsible authority, but the Tribunal may 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 interests of justice it is proportionate to withhold the restricted matter from the applicant or (as the case may be) the patient.
  - (8) The Tribunal shall invite from the applicant comments on the authority's statement and, where such comments are received, shall give the responsible authority a copy of the comments and a reasonable opportunity to respond to the comments.
  - (9) The operation of this Article is without prejudice to any rights of access to personal information conferred, by the Data Protection (Jersey) Law 2005<sup>10</sup> as modified by the Data Protection (Subject Access Modification – Health) (Jersey) Regulations 2005<sup>11</sup>, upon the applicant as data subject within the meaning given by that Law.

## 6

The Tribunal shall on receipt of the authority's statement give notice of the application –

- (a) where the patient is liable to be detained in a mental nursing home, to the Minister;



- 
- (b) where the patient is subject to the guardianship of a private guardian, to the guardian; and
  - (c) where the applicant is the patient, to the person named in the authority's statement as exercising the functions of the nearest relative,

and shall inform the person to whom notice is given, in the form set out in Schedule 3 or a form substantially to the like effect, of the arrangements which will be made for determining the application.

**7**

The president shall, on receipt of the authority's statement, or on receipt of a reference from the Minister or the Attorney General, appoint the members of the Tribunal to consider and determine the application or reference.<sup>12</sup>

**8**

The Tribunal may consider more than one application in respect of a patient at the same time and may for this purpose adjourn the proceedings relating to any application.

### **PART 3**

#### **GENERAL PROVISIONS AS TO PROCEDURE**

**9**

- (1) The applicant, the responsible authority and any person to whom notice of the application has been given under the provisions of Article 6 may be represented by any person authorized in that behalf, not being a person liable to be detained or subject to guardianship under the Act or a person receiving treatment for mental disorder at the same hospital or mental nursing home as the patient by or in respect of whom the application is made.
- (1A) 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.<sup>13</sup>

- (1B) Where the Tribunal appoints a person as representative under paragraph (1A), the Tribunal shall send notice in writing of the appointment and of the representative's name and address to each of the parties to the application.<sup>14</sup>
- (1C) Where any party to the application appoints a representative other than a person already authorized under paragraph (1) –
- (a) that party shall send notice in writing of the appointment and of the representative's name and address to the Tribunal and to each of the other parties to the application; and
  - (b) it shall be assumed that the appointment subsists unless and until notice in writing to the contrary is received by the Tribunal.<sup>15</sup>
- (1D) In paragraphs (1B), (1C) and (2), a "party to the application" means the applicant, the responsible authority and any other person given notice of the application under Article 6.<sup>16</sup>
- (2) A reference in this Part and Parts 4 and 5 to any party to the application includes reference to that party's representative as authorized or 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.<sup>17</sup>
- (3) 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.

**10**

The medical member of the Tribunal appointed to consider the application shall examine the patient or take such other steps as he or she considers necessary to form an opinion of the patient's mental condition; and for this purpose the patient may be seen in private and his or her medical records examined.<sup>18</sup>

**11**

- (1) The Tribunal may at any time before determining the application interview the patient and shall interview him or her if he or she so requests, and such interview may take place in private or in the presence of the applicant or any other person as the Tribunal think fit.
- (2) Where they think it appropriate the Tribunal may authorize any one or more of its members to visit and interview the patient in private.

**12**

- (1) The Tribunal shall provide to the applicant (and, where a representative is appointed or authorized under Article 9, may do so by that representative) copies of all documents obtained by or sent to the Tribunal for the purposes of the application 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 5 that any restricted matter should not be disclosed to the applicant.<sup>19</sup>
- (1A) The Tribunal shall give the applicant (and any representative) 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.<sup>20</sup>
- (2) The Tribunal may disclose to any person any information withheld under the provisions of this Order on terms that the information shall not be disclosed to the applicant or the patient or to any other person or be used otherwise than in connection with the application.

**13**

- (1) The Tribunal may, if it thinks fit, call for such documents and examine such witnesses as appear likely to afford evidence relevant and material to the enquiry.
- (2) The Tribunal may require any party to the enquiry or any witness in the proceedings to give evidence on oath and, for that purpose, the person presiding over the Tribunal shall have power to administer an oath, but no person shall 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.

**14**

Subject to the provisions of Article 24(2) and of Article 26 the Tribunal may adjourn the hearing of any evidence or representations or the consideration of an application to such date as they may determine.

**15**

An applicant may withdraw an application at any time on giving notice in writing to the Tribunal and an application shall be deemed to be withdrawn if the patient ceases to be liable to be detained or subject to guardianship.

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**PART 4<sup>21</sup>****DETERMINATION OF APPLICATIONS<sup>22</sup>****19<sup>23</sup>**

- (1) Subject to the provisions of this Part, every application shall be determined at a hearing and the Tribunal may give directions as to the conduct of the hearing.
- (2) Not less than 7 days' notice of the date, time and place fixed for the hearing shall be given to the applicant, the responsible authority and any person to whom notice of the application has been given under the provisions of Article 6.
- (3) Where the Tribunal is satisfied that –
  - (a) proceeding by way of a hearing would be likely to cause serious harm to the patient's health; and
  - (b) having regard to the interests of justice, it is proportionate not to hold a hearing,the Tribunal may, before proceeding to determine an application, direct that no hearing should be held on that application.
- (4) Where the Tribunal gives a direction under paragraph (3), the direction and a statement of the reasons for it shall be sent to the applicant and the responsible authority.

**20<sup>24</sup>**

- (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 shall give, to 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 shall take place in private but the Tribunal may, if it thinks fit, authorize any person (other than the interviewee) to attend.

**21<sup>25</sup>**

- (1) The Tribunal shall consider a reference by the Minister or Attorney General as if it were an application by a patient, and –
  - (a) the provisions of this Order shall apply to the reference as if –

- 
- (i) in Articles 4 and 5 for the words ‘copy of the application’ there were substituted the words ‘notification of the reference’, and
  - (ii) in Article 25(3) and (4) for references to the applicant there were substituted references to the Minister or Attorney General, as the case requires;
- and
- (b) the Minister or, as the case may be, the Attorney General may withdraw a reference at any time before it is determined by the Tribunal.

**22**

- (1) The Tribunal shall sit in private unless the applicant requests a hearing in public and 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 it considers appropriate.
- (3) The Tribunal may exclude from any hearing any person or class of persons they think fit; and may exclude the patient or any other person while they are hearing 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 in so far as the Tribunal may direct, information about proceedings before the Tribunal and the names of any persons concerned in the proceedings shall not be made public.

**23**

- (1) Subject to the provisions of this Article any person who has received notice of the hearing may appear and take such part in the proceedings as the Tribunal thinks proper.
- (2) The Tribunal shall give an opportunity to the applicant to address the Tribunal, to give evidence and call witnesses; and 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.
- (3) The Tribunal shall give the responsible authority and any other person notified of the hearing under the provisions of Article 19 an opportunity to address them, to give evidence and to call witnesses and may permit any other person whom they think fit to do so; and 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.<sup>26</sup>

- (4) Where the patient is the applicant or is called as a witness, the Tribunal may if it considers it desirable in the interests of the patient's health to do so interview the patient or take his or her evidence in private or in any manner they think appropriate.

**24**

- (1) Where it appears to the Tribunal that it is desirable to obtain further information on any point, the Tribunal may adjourn for the information to be obtained in such manner as they may direct or for the applicant or any other person concerned to produce the information.
- (2) Where after any such adjournment the Tribunal considers that a resumed hearing is desirable or where a resumed hearing is requested by the applicant or the responsible authority, not less than 7 days' notice thereof shall be given to the applicant, to the responsible authority and to any other person who was notified of the hearing under the provisions of Article 19 and who appeared at the previous hearing.<sup>27</sup>

**PART 5<sup>28</sup>****DECISIONS AND MISCELLANEOUS PROVISIONS****25**

- (1) The decision of the majority of the members of the Tribunal appointed to consider an application shall be the decision of the Tribunal.<sup>29</sup>
- (2) The decision of the Tribunal on the application shall be recorded in Form 1 as prescribed in Schedule 4 and signed by the president.<sup>30</sup>
- (3) Subject to paragraphs (6) and (7), the decision of the Tribunal shall be communicated in writing within 7 days to the applicant, the responsible authority, the patient (where he or she is not the applicant) and to such other persons as the Tribunal may direct, and the Tribunal shall at the same time inform the applicant and the responsible authority of their right to request reasons for the decision in accordance with paragraph (4):
- Provided that where the Tribunal consider that it would not be desirable to communicate their decision in writing to the patient (where he or she is not the applicant) it shall be communicated to him or her in such manner as the Tribunal think appropriate.<sup>31</sup>
- (4) Subject to paragraphs (6) and (7), within the period of 28 days beginning with the date of the decision the Tribunal shall send a statement of reasons for the decision to –
- (a) the applicant; and
- (b) the responsible authority.<sup>32</sup>
- (5) The statement of reasons shall be signed by the president.<sup>33</sup>
- (6) Paragraph (7) applies where the Tribunal is satisfied that –

- 
- (a) any information contained in the statement of reasons would be likely to cause any person serious harm; and
  - (b) having regard to the interests of justice, it is proportionate to withhold that information.<sup>34</sup>
- (7) Where this paragraph applies, the Tribunal may –
- (a) prohibit the publication of the text, or 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.<sup>35</sup>

**25A**<sup>36</sup>

The decision of the Tribunal under Article 35C of the Law on a review of the authorization to remove a patient from Jersey shall be recorded in Form 2 as prescribed in Schedule 4 and communicated to the responsible authority, the patient and to such other persons as the Tribunal may direct.

**26**<sup>37</sup>

Where –

- (a) an application, reference or review 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 shall make arrangements for the matter to be disposed of by other members of the Tribunal.

**27**

- (1) Where the time prescribed by or under this Order for doing any act expires on a Sunday or public holiday and by reason thereof the act cannot be done on that day, the act shall be in time if done on the next working day.
- (2) The time appointed by this Order for the doing of any act may be extended by the Tribunal or the president on such terms (if any) as it or the president may think fit, and such extension may be granted although the application for extension is not made until after the expiration of the time appointed.<sup>38</sup>

**28**

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

- (a) in the case of a document directed to the Tribunal or chairman of the Tribunal, to the office of the Tribunal;
- (b) in any other case, to the last known address of the person to whom the document is directed,

and if sent or given to the authorized representative of any person shall be deemed to be sent or given to that person.<sup>39</sup>

## **29**

Any irregularity resulting from failure to comply with this Order before the Tribunal has reached its decision shall not of itself render the proceedings void, but the Tribunal may, and shall 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.

## **30**

This Order may be cited as the Mental Health (Review Tribunal) (Procedure) (Jersey) Order 1971.



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**SCHEDULE 1<sup>40</sup>**

**FORM 1**

**NOTICE OF APPLICATION TO THE MENTAL HEALTH REVIEW  
TRIBUNAL BY PATIENT DETAINED OR UNDER GUARDIANSHIP**

**TO: THE PRESIDENT, MENTAL HEALTH REVIEW TRIBUNAL**

NAME OF PATIENT: .....

DATE OF BIRTH OF PATIENT: .....

I am detained at ..... (address)

for assessment / treatment

I am in the guardianship of ..... (name)

at ..... (address)

**I WISH TO APPLY FOR A REVIEW OF MY  
DETENTION/GUARDIANSHIP**

I wish to give the following reasons for my application:

.....  
.....  
.....  
.....

I have the following special requirements or concerns:

.....  
.....

My nearest relative is:

.....(name)

.....(address)

**[If applicable:]** I have previously been represented before the Tribunal by

..... (name)

..... (address)

**SIGNATURE:** .....

**DATE:** .....

**[I AM SIGNING WITH THE CONSENT OF THE PATIENT MAKING THIS APPLICATION**

..... (name)

..... (address)]

#### **NOTES TO APPLICANT**

1. Please cross out any statements on the form which do not apply in your case.
2. You do not have to give reasons for your application, but you may do so on this form or in a separate document if you wish.
3. Your application will be decided at a hearing at which you should be present, unless that would be likely to cause serious harm to your health. If you think a hearing should not be held in your case, please state this as a special requirement on the form.
4. If you have not previously been represented by an advocate at a Tribunal hearing or have not appointed an advocate, the Tribunal will inform the Law Society who may provide an advocate, unless you indicate as a special requirement that you do not wish to be represented.
5. Special requirements might include the assistance of an interpreter or signer, or a request to represent yourself (and not be represented by an advocate). Concerns might include any possible detriment to health which could be caused by a hearing.
6. If someone else fills in this form and signs it for you, they must also give their name and full address.

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**FORM 2**

**NOTICE OF APPLICATION TO THE MENTAL HEALTH REVIEW  
TRIBUNAL BY PATIENT'S NEAREST RELATIVE**

**TO: THE PRESIDENT, MENTAL HEALTH REVIEW TRIBUNAL**

NAME OF APPLICANT: .....

ADDRESS OF APPLICANT: .....

.....

I am the nearest relative, being the ..... (relationship)

OR

I am authorized, by the attached document, to exercise the functions of the  
nearest relative

of NAME OF PATIENT: .....

DETAINED AT: .....(address)

for assessment / treatment

OR

IN THE GUARDIANSHIP OF

..... (name)

at ..... (address)

I make this application under Article ..... (provision) of the Mental  
Health (Jersey) Law 1969, for the following reasons:

.....

.....

.....  
.....

I have the following special requirements or concerns:

.....  
.....

**SIGNATURE:** .....

**DATE:** .....

**I AM SIGNING WITH THE AUTHORIZATION OF**

..... (name)

..... (address)

**NOTES TO APPLICANT**

1. Please cross out any statements on the form which do not apply in your case.
2. If you are authorized by the Court to exercise the functions of a patient's nearest relative, you must attach a copy of the Court order showing that authorization.
3. This application will be decided at a hearing at which the patient may be present, unless that would be likely to cause serious harm to his or her health. If you think a hearing should not be held in this case, please say so as a special requirement on the form.
4. Special requirements might also include the assistance of an interpreter or signer. Concerns might include any possible detriment to health which could be caused by a hearing.
5. If you have not appointed an advocate to represent you at a hearing, the Tribunal will inform the Law Society who may provide an advocate, unless you indicate as a special requirement that you do not wish to be represented.
6. If someone else fills in this form and signs it for you, they must also give their name and full address.

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**SCHEDULE 2<sup>41</sup>**

**STATEMENT BY RESPONSIBLE AUTHORITY**

*A Facts for the information of the Tribunal, so far as known to the authority.*

1. Patient's full name.
2. Patient's age.
3. Date of patient's admission to hospital or mental nursing home in which now detained, or reception into guardianship.
4. History of present authority for detention or guardianship, i.e., date of admission, Article of the Law under which made, and date of any subsequent renewals or transfer.
5. Form or forms of mental disorder from which patient is recorded as suffering in the authority for detention.
6. Name and address of patient's nearest relative or, if some other person is exercising functions of nearest relative, that person.
7. If the responsible authority consider the applicant not entitled under the Law to make the application, reasons for this opinion.

*B. Reports.*

1. Statement of reasons why the responsible authority are not themselves 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 authority for detention or guardianship were discharged) or, in case of an application under Article 28 of the Law, the grounds on which the authority consider the special criteria described in that Article to be established.
2. Opinion of responsible medical officer as to whether the holding of a hearing in respect of the application would cause serious harm to the patient's health.
3. Any other observations on the application.

---

**SCHEDULE 3****NOTICE TO THE MINISTER, GUARDIAN OR NEAREST RELATIVE**

1. An application has been received by the Mental Health Review Tribunal from/in respect of [name of patient] who is detained in [name of hospital or mental nursing home]/under the guardianship of [name of guardian] under the Mental Health (Jersey) Law 1969.
2. This notice is sent to you in your capacity as –
  - (a) the Minister.
  - or
  - (b) the guardian.
  - or
  - (c) the person exercising the functions of the patient's nearest relative.
3. The applicant has/has not requested a formal hearing of the application.
4.
  - (a) The Tribunal intends to meet to consider the application on [date and time] at [place], or
  - (b) You will be informed later of the date and place at which the Tribunal intends to meet to consider the application.
5. You may, if you wish, –
  - (a) attend personally (accompanied by any persons you wish), or
  - (b) authorize some other person to attend on your behalf at the meeting of the Tribunal and may then make such representations to the Tribunal as you wish.
6. If you wish, you may send to the Tribunal in writing at any time before they meet any observations you wish to make relevant to the application.
7. If you send written observations, please say whether you also wish to attend personally/ be represented, when the Tribunal meets.

Signed .....

on behalf of the Tribunal

Date .....

Address of Tribunal .....

.....

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**SCHEDULE 4<sup>42</sup>**

**DECISION OF MENTAL HEALTH REVIEW TRIBUNAL**

*FORM 1*

**APPLICATION**

1. The application made to the Mental Health Review Tribunal on [date of application] by [name of applicant] in respect of [name of patient] under [Article under which application made] of the Mental Health (Jersey) Law 1969, has been considered by members appointed for this purpose.
2. The Tribunal direct that [name of patient] –  
be discharged from/continue to be liable to\* detention in [name of hospital or mental nursing home]\*  
be discharged from/remain in\* the guardianship of [name of guardian]\*

Signed .....  
President of the Tribunal

*\* delete as appropriate*

*FORM 2*

**REVIEW**

1. The review by the Mental Health Review Tribunal of the authorization of the removal of a patient from Jersey under [Article under which removal was authorized] of the Mental Health (Jersey) Law 1969 notified to the tribunal on [date of notification] in respect of [name of patient] has been considered by members appointed for this purpose.
2. The Tribunal direct that [name of patient] –  
be removed from Jersey to [name of place, country or territory]\*  
remain in Jersey and continue to be liable to detention in [name of hospital or mental nursing home]\*

Signed .....  
President of the Tribunal

*\* delete as appropriate"*

**SCHEDULE 5<sup>43</sup>**



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Mental Health (Review Tribunal) (Procedure) (Jersey) Order 1971	R&O.5592	1 January 1972
Mental Health (Review Tribunal) (Procedure) (Amendment) (Jersey) Order 2004	R&O.126/2004	1 November 2004
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
Mental Health (Review Tribunal) (Procedure) (Amendment No. 2) (Jersey) Order 2008	R&O.167/2008	12 December 2008
Mental Health (Review Tribunal) (Procedure) (Amendment No. 3) (Jersey) Order 2015	R&O.170/2015	1 March 2016

### Table of Renumbered Provisions

Original	Current
PART I	PART 1
PART II	PART 2
PART III	PART 3
PART IV	PART 4 revoked
PART V	PART 5 renumbered as PART 4
PART VI	PART 6 renumbered as PART 5
FIRST SCHEDULE	SCHEDULE 1
SECOND SCHEDULE	SCHEDULE 2
THIRD SCHEDULE	SCHEDULE 3
FOURTH SCHEDULE	SCHEDULE 4
FIFTH SCHEDULE	SCHEDULE 5

### Table of Endnote References

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- <sup>1</sup> This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government
- <sup>2</sup> chapter 20.650
- <sup>3</sup> chapter 20.650
- <sup>4</sup> Article 1 amended by R&O.167/2008, R&O.170/2015

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- <sup>5</sup> Article 1A            *inserted by R&O.167/2008*  
<sup>6</sup> Article 2             *substituted by R&O.170/2015*  
<sup>7</sup> Article 3             *revoked by R&O.170/2015*  
<sup>8</sup> Article 4             *substituted by R&O.170/2015*  
<sup>9</sup> Article 5             *substituted by R&O.170/2015*  
<sup>10</sup>                        *chapter 15.240*  
<sup>11</sup>                        *chapter 15.240.60*  
<sup>12</sup> Article 7             *amended by R&O.167/2008*  
<sup>13</sup> Article 9(1A)        *inserted by R&O.170/2015*  
<sup>14</sup> Article 9(1B)        *inserted by R&O.170/2015*  
<sup>15</sup> Article 9(1C)        *inserted by R&O.170/2015*  
<sup>16</sup> Article 9(1D)        *inserted by R&O.170/2015*  
<sup>17</sup> Article 9(2)         *substituted by R&O.170/2015*  
<sup>18</sup> Article 10            *amended by R&O.126/2004*  
<sup>19</sup> Article 12(1)        *substituted by R&O.170/2015*  
<sup>20</sup> Article 12(1A)      *inserted by R&O.170/2015*  
<sup>21</sup> Part 4                *renumbered by R&O.170/2015 (Previously Part 5, original Part 4*  
                              *revoked by R&O.170/2015)*  
<sup>22</sup> Part 5                *heading amended by R&O.170/2015*  
<sup>23</sup> Article 19           *substituted by R&O.170/2015*  
<sup>24</sup> Article 20           *substituted by R&O.170/2015*  
<sup>25</sup> Article 21           *substituted by R&O.170/2015*  
<sup>26</sup> Article 23(3)        *amended by R&O.170/2015*  
<sup>27</sup> Article 24(2)        *amended by R&O.170/2015*  
<sup>28</sup> Part 5                *renumbered by R&O.170/2015 (Previously Part 6)*  
<sup>29</sup> Article 25(1)        *substituted by R&O.126/2004*  
<sup>30</sup> Article 25(2)        *substituted by R&O.126/2004*  
<sup>31</sup> Article 25(3)        *amended by R&O.170/2015*  
<sup>32</sup> Article 25(4)        *substituted by R&O.170/2015*  
<sup>33</sup> Article 25(5)        *substituted by R&O.170/2015*  
<sup>34</sup> Article 25(6)        *substituted by R&O.170/2015*  
<sup>35</sup> Article 25(7)        *added by R&O.170/2015*  
<sup>36</sup> Article 25A          *inserted by R&O.126/2004*  
<sup>37</sup> Article 26           *substituted by R&O.167/2008*  
<sup>38</sup> Article 27(2)        *amended by R&O.167/2008*  
<sup>39</sup> Article 28           *amended by R&O.167/2008*  
<sup>40</sup> Schedule 1          *substituted by R&O.170/2015*  
<sup>41</sup> Schedule 2          *amended by R&O.170/2015*  
<sup>42</sup> Schedule 4          *substituted by R&O.126/2004*  
<sup>43</sup> Schedule 5          *revoked by R&O.170/2015*