

# Tribunal Procedure Committee

## Proposal to amend Rule 34 of the Tribunal Procedure (First-Tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 (medical examination of the patient in mental health cases)

### Questionnaire

We would welcome responses to the following questions set out in the consultation paper. Please return the completed questionnaire by **10<sup>th</sup> September 2013** to:

The Secretary, Tribunal Procedure Committee, Post point 4.38, 102 Petty France  
London SW1H 9AJ  
Email: [tpcsecretariat@justice.gsi.gov.uk](mailto:tpcsecretariat@justice.gsi.gov.uk)  
Fax: 020 3334 2233

<b>Respondent name</b>	
<b>Organisation</b>	

**1. Do you agree that the requirement that the First-tier Tribunal must conduct a PE in all cases save where it is impracticable to do so should be removed?**

**Comments:**

**2. Do you agree that the First-tier Tribunal should have some discretion as to whether to conduct a PE in all cases?**

**2A. If not, please state in which cases you consider that the First-tier Tribunal should continue to be required to conduct a PE in all cases save where it is impracticable to do so.**

**Comments:**

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**3. Do you agree that in cases where a patient is detained under section 2 of the Mental Health Act 1993, the First-tier Tribunal should conduct a PE unless a positive decision is made not to do so?**

<b>Comments:</b>
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**4. Are there any other classes of case in which you consider that the First-tier Tribunal should conduct a PE unless a positive decision is made not to do so?**

<b>Comments:</b>
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**5. Do you agree that, in any cases not covered in your answers to questions 2A, 3 and 4, the First-tier Tribunal should not conduct a PE unless it positively decides to do so?**

<b>Comments:</b>
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**6. Do you have any comments on the proposed drafting of a new rule 34?**

<b>Comments:</b>
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**7. Do you agree that all members of a panel of the First-tier Tribunal should be entitled to examine the medical records of the patient?**

**Comments:**

**8. Do you have any other comments on the proposed drafting of a new rule 32(9)?**

**Comments:**

**9. Do you agree that the First-tier Tribunal should be permitted to proceed with a hearing in the absence of a patient only if there has been a PE or the First-tier Tribunal considers that a PE would be unnecessary or impracticable?**

**Comments:**

**10. Does any specific provision need to be made in rule 39(2)(a) to take account of the possibility that a patient might repeatedly leave a hearing?**

**Comments:**

**11. Do you have any other comments on the proposed drafting of a new rule 39(2)(a)?**

**Comments:**

**12. Do you have any other comments on the Rules?**

**Comments:**