

# Practice Direction:



## Authentication of the Tribunal's Determinations

### Purpose

Section 143 of the *Mental Health Act 2007* ("MHA") provides that every document requiring authentication is sufficiently authenticated without the seal of the Tribunal if it is signed by the President or a Deputy President.

The purpose of this practice direction is to outline the way in which the Tribunal's determinations will be authenticated. It also deals with the correction of the Tribunal's determinations.

Note that a "determination of the Tribunal" is defined in s. 4 of the MHA to include an order, direction or decision of the Tribunal.

### Civil Jurisdiction

1. When sitting in its civil jurisdiction the Tribunal may be constituted by either one or three members. The Tribunal's determination will usually be signed by all members of the Tribunal panel but has effect if signed by the legal member only.
2. If a panel member dissents from the majority view, then the reasons for that panel member's dissent will be recorded in the determination under the heading "Dissenting view of [name]".

### Forensic Jurisdiction

3. The Tribunal usually sits as a panel of three members when exercising its forensic jurisdiction. The Tribunal's determination is the unanimous decision of the three panel members who constituted the Tribunal at that review, unless otherwise indicated.
4. If a panel member dissents from the majority view, then the reasons for that panel member's dissent will be recorded under the heading "Dissenting view of [name]".
5. The Tribunal's determination issued in its forensic jurisdiction will be signed by the President or a Deputy President only. This is the case even if a dissenting view is recorded in the reasons.

## **Corrections**

6. Where an error (such as a misspelling, an incorrect date or incorrectly named agency) is identified in the Tribunal's determination whilst exercising its civil jurisdiction the error may be corrected being initialled by the legal member of the panel which determined the matter.
7. Errors in a determination made by the Tribunal may also be corrected by the President or a Deputy President.
8. The corrected determination will be redistributed to all who received the original document.

**Professor Dan Howard SC**  
**President, Mental Health Review Tribunal**

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