

Practice Direction:



Publication of official reports of the Tribunal's proceedings

Purpose

Section 162(2) of the *Mental Health Act 2007* ("the MHA") contemplates that the Tribunal may authorise an official report of its proceedings. The publication or broadcast of an official report is not an offence, even if it contains the name of a person appearing before the Tribunal.

The MHA does not give any guidance on what is meant by an "official report" of the Tribunal's proceedings. The purpose of this practice direction is to describe an official report and the circumstances in which one might be issued by the Tribunal.

Issuing an official report

1. From time to time, the President may authorise the issuing of an official report of the proceedings of the Tribunal.
2. The President may authorise an official report of the Tribunal's proceedings in the following circumstances:
 - a. Where the Tribunal has decided questions of legal significance with application beyond a particular case.
 - b. Where the Tribunal's proceedings have considered systemic issues relating to the provision of care and treatment of a person with a mental illness which have application beyond a particular case.
 - c. Where the Tribunal's proceedings have considered matters of concern in relation to the care and treatment of an individual person with a mental illness.
 - d. Such other circumstances as the President thinks fit.
3. An official report of the Tribunal's proceedings need not include the whole of the Tribunal's reasons for decision. The official report may be limited to a discussion of those parts of the proceedings which have a broader public interest. The report may also be edited to de-identify the patient, witnesses or other persons involved in Tribunal proceedings.

Identifying an official report

4. An official report:
 - a. Will be headed “This is an official report of the proceedings of the Mental Health Review Tribunal authorised by the President of the Tribunal on [date].”
 - b. It will be sealed with the Tribunal’s seal.
5. An official report of the Tribunal’s proceedings may be published on the Tribunal’s website or otherwise published as directed by the President.

Professor Dan Howard SC
President
19 June 2013