

## MEMO : RULE 72 DIRECTIONS

FROM : Dr Joe Morrow, President, January 2013

1. Rule 72(3) of the Tribunal's Rules of Procedure provides that the Tribunal shall, as soon as reasonably practicable, send notice of the decision to the parties and such other relevant person as the Tribunal may direct.
2. In certain proceedings, the RMO will not be a party to the proceedings, e.g. an application for a CTO under section 63 of the 2003 Act. In other circumstances, the MHO will not be a party to the proceedings, e.g. an application to vary a CTO under section 95 of the 2003 Act.
3. Tribunal members should consider in any particular case whether to direct that the Tribunal's decision be sent to any relevant person other than the parties e.g. the MHO or RMO.
4. While the MHO and RMO may not be parties to the proceedings, it seems right that they should receive a copy of the Tribunal's decision (the order and the FFR) since, despite not being a party to the proceedings, the RMO or MHO has a statutory right to appeal against the decision of the Tribunal and professional responsibilities in relation to the patient.
5. Clerks should ask the convener at the time the convener signs and dates the tribunal decision whether the tribunal wishes the decision to be sent to any other relevant person. Clerks will inform conveners that a style direction is available which they can use, should they wish to direct that any other relevant person should receive a copy of the Tribunal decision.
6. I suggest that it should only be in exceptional circumstances that members would not consider directing that the MHO or RMO should receive a copy of the decision where the MHO or RMO is not a party to the proceedings.
7. Operations colleagues are principally responsible for sending the decisions of the Tribunal to the parties, or other relevant persons as directed. **I would therefore request Clerks to ask Tribunal Conveners whether the tribunal wish to send notice of the Tribunal decision to any other relevant person.**
8. **If the tribunal indicate that they would like the Tribunal decision to be sent to another relevant person, then the Clerk should provide a copy of the style direction to the Convener, who will complete the direction as appropriate in the circumstances.**
9. **Clerks, or caseworkers, should thereafter ensure that they send a copy of the decision to any other relevant person specified in the direction within the period of time specified in that direction.**