



UPPER TRIBUNAL ADMINISTRATIVE APPEALS CHAMBER

Notes for Applicants and Appellants Form UT8 (Mental Health Wales)

The Administrative Appeals Chamber is part of the Upper Tribunal and decides appeals on point of law from decisions of the Mental Health Review Tribunal for Wales. The Upper Tribunal consists of High Court judges and other specialist judges appointed by the Queen.

Form UT8 is to be used for applying to the Upper Tribunal for permission to appeal, against a decision of the Mental Health Review Tribunal for Wales. It should also be used for appealing to the Upper Tribunal if the MHRT for Wales has already granted permission to appeal.

Form UT8 should be lodged with (that is, sent or delivered to) the Offices of the Administrative Appeals Chamber of the Upper Tribunal at Cardiff Civil Justice Centre so that it is received no later than **one month** after the date the MHRT for Wales sent you notice of the refusal or grant of permission to appeal or the refusal to admit your application. If you are late, you must explain why in **Part G** of the form.

Before you use Form UT8

You must apply to the MHRT for Wales for permission to appeal. You should have received information from MHRT for Wales about how and when to do this.

Part A – About the Applicant/ Appellant

An "**Applicant**" is a person applying to the Upper Tribunal for permission to appeal to the Upper Tribunal. An "**Appellant**" is a person who has been given permission to appeal and is now appealing to the Upper Tribunal. **Form UT8** is for use by both Applicants and Appellants. It does not matter which you are.

You should tick the appropriate box to indicate whether you are the patient or patient's nearest relative or a responsible authority or other official applicant or appellant.

Part B – About the Patient

Whoever is completing this form as an applicant or appellant should complete **Part B** giving the information asked for about the patient.

Part C – About the patient's Nearest Relative

If you are making the application or appeal as the patient's Nearest Relative you should put your name and address in **Part C**.

Part D - About the patient or nearest relative's representative

The patient or nearest relative may be represented by a solicitor or by any other person. If you have a Representative, you should give their details in the boxes provided in **Part D**. The Upper Tribunal Office will then correspond only with your representative.

Part E– About the responsible authority

Whoever is completing this form as an applicant or appellant should complete **Part E** giving the information asked for about the responsible authority. If the patient is being detained or is on a community treatment order please give the details of the hospital where the patient is being detained or treated or the hospital which is responsible for the patient, if different. Put the name of the official in charge of the patient's case in the box provided.

If the patient is subject to guardianship please give the details of the responsible social services authority.

Part F– About the Mental Health Review Tribunal for Wales which decided your case

The place of the MHRT for Wales hearing, the date of the decision and the register number of your case (if notified to you) should all be on the tribunal's written decision.

Part G– Reasons for any delay

You should have made a written application to the MHRT for Wales for permission to appeal to the Upper Tribunal so that it was **received no later than 28 days** after you were sent written reasons for the tribunal's decision (or notification of amended reasons or correction following a review or notification that an application to set aside was not successful).

Form UT8 should be sent or delivered to the Upper Tribunal office in Cardiff so that it is received no later than **one month** after the date the MHRT for Wales sent you notice of the refusal or grant of permission to appeal or the refusal to admit your application.

If your application or appeal to the Upper Tribunal is late you must ask for an extension of time and explain the delay in **Part G** of the form. You must show a good reason for the Upper Tribunal to accept your application or appeal.

If your application for permission to appeal was not admitted by the MHRT for Wales because it was late it will only be admitted if the Upper Tribunal considers that it is in the interests of justice to do so. In any event you must explain the delay.

The Upper Tribunal may take into account the length of the delay, and other matters such as the effect of the decision on you, the potential importance of the case, etc., so you can also mention these as reasons.

Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, make sure it has your name on it.

Part H – Reasons for Appealing

You must explain why you think the decision of the Mental Health Review Tribunal for Wales is **wrong in law**. Examples of mistakes of law are:

- The tribunal did not apply the correct law or wrongly interpreted the law.
- The tribunal made a procedural error.
- The tribunal had no evidence, or not enough evidence, to support its decision.
- The tribunal did not give adequate reasons (in the written statement of its reasons).

These are only examples and the decision of MHRT for Wales may be wrong in law for some other reason. You should explain in as much detail as possible why the decision **in your particular case** is wrong in law. If you have a representative they will advise you and may complete the form for you. You should not miss the **one month** time limit for sending in your application form.

What you have said on **Form UT8** will be treated as your main submission on the appeal (even if you are now only applying for permission to appeal). You should therefore make sure that you say everything you wish to at this stage. On the other hand, remember that short clear submissions may be more effective than long repetitive ones.

You may use a separate piece of paper if you wish, but make sure it has your full name on it and is sent with the form.

Part I– Request for an oral hearing of an Application

If you are applying to the Upper Tribunal for permission to appeal and you or your representative wish to appear before an Upper Tribunal judge at **an oral hearing of your application**, fill in the relevant boxes in **Part I**.

If you are refused permission to appeal (or given permission on limited grounds or subject to conditions) without an oral hearing you will be given the opportunity to ask (within 14 days) for that decision to be reconsidered at an oral hearing.

Hearings will normally be held at regional locations throughout Wales or by video link from a number of places. You will be sent further information if the Upper Tribunal judge allows your request for an oral hearing.

Do not fill in the boxes about an oral hearing **if the Mental Health Review Tribunal for Wales has given you permission to appeal**. In that case, or if you are given permission to appeal by the Upper Tribunal, you will be given an opportunity of asking for **an oral hearing of your appeal** at a later stage.

Part J – Application/ Appeal to the Upper Tribunal

Even if you have a representative, **the Applicant or Appellant or Nearest Relative must sign the form personally in Part J**. Your signature will be taken as authority for the representative named in **Part D** to act for you. The only exception to this rule is where the representative is a solicitor. A solicitor is presumed to be acting on instructions and may sign the form on behalf of the Applicant or Appellant or Nearest Relative.

If you are applying for **Urgent Consideration** please complete the box and say why.

Sending Form UT3 to the Office of the Upper Tribunal

Keep these notes in a safe place so that you have a record of the address of the address below.

Send **Form UT8**, and the documents listed at the end of the form, to the Office of the Administrative Appeals Chamber of the Upper Tribunal within the **month** allowed (see the notes to **Part G** above). **If you are late**, you can still send in your form but you must explain the delay in **Part G** of the form.

The address of the Administrative Appeal Chamber of the Upper Tribunal is:

Administrative Appeal Chamber of the Upper Tribunal
Cardiff Civil Justice Centre,
2 Park Street,
Cardiff, CF10 1ET
Tel: 02920 376521

You must enclose the documents listed at the end of the form. Otherwise, your application or appeal may be delayed or may not be admitted.

Contact the Upper Tribunal Office in Cardiff if you are not told within a week that the form has been received.