



GOVERNMENT OF BERMUDA  
**Ministry of Health**



# Mental Health Review Tribunal (MHRT)

Mental Health Act 1968, Code of Practice

Fact Sheet 6



# The Mental Health Act 1968

## Code of Practice

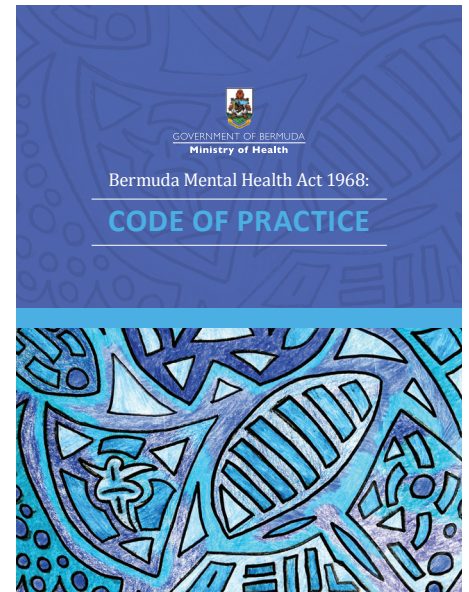
The Code of Practice explains how patients who are detained in hospital should be supported by the mental health services.

This Fact Sheet tells you how you can appeal to the Mental Health Review Tribunal (MHRT) if you do not think that you should be detained under the Mental Health Act (MHA).

It is made easy to read for as many people as possible.

This is one of a series of different Fact Sheets that describe how different parts of the Code of Practice should be followed.

Cover art is Mo' Betta Blues by Lynwood Richardson, 2019



## Key facts:

The Mental Health Review Tribunal (MHRT) reviews the cases of detained patients who are detained in hospital under certain sections of the MHA (see page 4)

MWI managers must make sure that patients understand their rights to apply for a MHRT hearing

MWI managers must refer patients to the MHRT in certain circumstances



# What is the Mental Health Review Tribunal (MHRT)?

- The MHRT is independent of MWI and makes sure that you are not detained in hospital if you do not need to be (see *Detained under the Mental Health Act* Fact sheet #2)
- Independent professionals and lay people are members of the MHRT
- If you think that you should not be detained in hospital, you can apply to the MHRT
- If you appeal to the MHRT you can attend the hearing
- Your consultant psychiatrist will write a report about your needs and your treatment. They will attend the hearing and will be asked questions about your care
- You can ask your nearest relative (see *Your Nearest Relative* Fact sheet #5) to support you
- You can ask the MHRT to let you bring a lawyer or someone to support you in the hearing
  - o You have the right to bring independent medical evidence and witnesses



## What are the powers of the MHRT?

The MHRT will find out if you are being detained lawfully

It can order that you be discharged if that is appropriate

It cannot provide an assessment of your mental health

It cannot give directions about your treatment



## Who can apply to the MHRT?

**You can apply to the MHRT if you are detained under any of these sections of the MHA:**

### **Section 9 (Admission for assessment)**

- Within 14 days from your admission

### **Section 10 (Admission for treatment)**

- Within 6 months from your admission
- If you do not apply within the first 6 months, MWI will automatically make a referral for you to the MHRT

### **Section 19 (Reclassification of a patient)**

- Within 28 days of the reclassification report being written

### **Section 20 (Trial leave - leave of absence)**

- Within 3 months, beginning on the day leave was granted
- You can then re-apply every 3 months

### **Section 22 (Renewal of authority for detention)**

- Within 1 year from the date of renewal
- You can then re-apply every 12 months

### **Section 48A (Community Treatment Order- CTO)**

- Within 6 months from the date of the Order
- Every 12 months for as long as the CTO is in force
- MWI will make a referral to the MHRT:
  - o if you do not apply within 6 months of your admission
  - o if you do not apply within 6 months of your CTO starting
  - o if your CTO is being revoked

### **Section 38 (Restricted patient - court ordered)**

- Between 6 and 12 months of the order being made
- You can then re-apply every 12 months

Your doctor and nurses must make sure that you understand your right to apply for a MHRT hearing



## Can my Nearest Relative apply to the MHRT for me?

Your Nearest Relative can apply to the MHRT for you

Your Nearest Relative is not the same as your Next of Kin (see *Your Nearest Relative* Fact sheet #5)

They can apply in certain situations:

- If you are detained in hospital they cannot apply for the first 6 months after you are detained, but they can apply between 6 and 12 months
- If you are on a CTO, they can apply within 6 months of the order
- They can then re-apply every 12 months



## Can anyone else apply to the MHRT for me?

- The only other person who can apply to the MHRT is the Minister of Health
- The Minister of Health can refer a patient at any time to the MHRT if they are detained under the MHA



## How do I apply to the MHRT?

You can apply to the MHRT to review your MHA status if you meet the criteria listed on page 4

You will need to complete Form 190

- You can ask your doctor, nurse, MWO or the MHA Administrator for a copy
- You can ask any of the MWI clinical team for help to fill it in
- You will need to say why you are challenging your detention
- You can ask to attend a hearing in person

Your Nearest Relative (see *Your Nearest Relative* Fact sheet #5) can also appeal on your behalf by writing to the Chief of Psychiatry at MWI

Your psychiatrist will then complete a report that sets out their medical recommendation and their summary of your care

The MWI MHA Administrator will then send these reports to the MHRT, and they will set a date to review your case

You can change your mind at any time if you then decide that you do not want to go through with the appeal



## What happens after I have applied?

Before the hearing, the members of the MHRT will read all the reports

An independent doctor from the Tribunal will speak to you in private and read your case file

You, and your consultant psychiatrist, will be invited to attend the hearing. Other clinicians may also be invited to attend

You can ask someone to attend if you want support

It is also your right to have independent representation from your lawyer

During the hearing, the members of the Tribunal will make you feel as comfortable as possible

Your psychiatrist will need to prove why they think you should remain on your section

The Tribunal will let you know their decision as soon as possible. This may be at the end of the hearing or a few days later



This Fact Sheet has been developed from the Bermuda Mental Health Act 1968: Code of Practice, chapter 6 “Information for patients, nearest relatives, carers and others”, paragraphs 6.16 to 6.19, chapter 13 “Community Treatment Orders”, paragraphs 13.19 to 13.54; Mental Health Act 1968 sections 61 to 63.

## Do you need more information?

The Mental Health Act and Code of Practice are found at:  
<https://www.gov.bm/mental-health>

More Fact Sheets on the Act and Code are found at:  
<https://www.gov.bm/mental-health>

If you have questions about the Act or the Code, contact the BHB Mental Health Act Administrator at Mid-Atlantic Wellness Institute:

Telephone: **236 3770**  
Email: **MHA@bhb.bm**



If you have a complaint about something to do with the Mental Health Act this should be directed to the unit/ department manager of the relevant service provider.

**BHB Complaints: Patient Relations Manager**  
at 239 1425, or [feedback@bhb.bm](mailto:feedback@bhb.bm) or

**Patient Relations Manager**  
Quality and Risk Department  
Bermuda Hospitals Board  
PO Box 1023  
Hamilton, Bermuda HMDX



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