

Tribiwnlys Adolygu | Mental Health Review  
Iechyd Meddwl Cymru | Tribunal for Wales

# Guidance Making an Appeal

Mental Health Review Tribunal for Wales  
2<sup>nd</sup> Floor, Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ  
Telephone: 0300 025 5328  
Email: [MHRT@Gov.Wales](mailto:MHRT@Gov.Wales)

## Circumstances in which a Tribunal's decision may be appealed

A Tribunal decision can be appealed only on a point of law, as outlined in section 78A of the Mental Health Act 1983. E.g if they:

- didn't apply the correct law or wrongly interpreted the law
- didn't follow the correct procedures
- had no evidence or not enough evidence to support its decision

If you wish to appeal against a decision you must ask the Tribunal for permission (leave) to appeal to the Upper Tribunal.

Contact your legal representative or [Citizens Advice](#) if you need help.

## Appeal to the Upper Tribunal

Someone who wants to appeal must first apply for permission to do so. To apply for permission to appeal, a person must:

- Be a party to the proceedings. This includes the person about whom the decision is made, the responsible authority and/or Secretary of State and their legal representatives. Nearest relatives, unless they made the application themselves, are not a party to the proceedings;
- complete an application for permission to appeal form, which can be downloaded from this website (see MHRTW05) and send it to the Tribunal office either by email, fax or deliver it to the Tribunal office; and
- ensure the form is received at the Tribunal office within 28 days of the Tribunal sending its written decision to the person making the application. Applications received outside 28 days cannot be considered unless permission for an extension to the timescale has been granted,

An application for permission to appeal to the Upper Tribunal must:

- identify the decision of the Tribunal to which it relates;
- identify the alleged error or errors of law in the decision; and
- state the result the party making the application seeks

The Chair of the Tribunal will consider your application for leave to appeal to the Upper Tribunal and will send you a copy of the decision.

If leave to appeal is granted, the Tribunal will inform you that you have been given Permission with accompanying reasons. As the applicant you will then need to complete and submit [form UT8](#) to the Upper Tribunal.

If leave to appeal is refused the Tribunal will notify you with reasons for the refusal and will also advise you of your right to make a further application for leave to appeal directly to the

Upper Tribunal, the time within which you can make your application and the method for doing so.

This document is also available in Welsh.

The Mental Health Review Tribunal for Wales welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The Tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents and make written representations to the Mental Health Review Tribunal in Welsh or English.