

Appendix D**RIGHT OF APPEAL FOR THOSE INDIVIDUALS SUBJECT TO THE MENTAL HEALTH ACT**

Section detained under	Appeal to Hospital Managers	Appeal to the Mental Health Review Tribunal (MHRT)
Section 135(1)	No right of appeal	No right of appeal
Section 135(2)	No right of appeal	No right of appeal
Section 136	No right of appeal	No right of appeal
Section 5(4)	No right of appeal	No right of appeal
Section 5(2)	No right of appeal	No right of appeal
Section 4	No right of appeal	No right of appeal
Section 2	Right to appeal at any time during the course of the detention	Right to appeal within 14 days of commencement of Section
Section 3	Right to appeal at any time during the course of the detention	Right to appeal once within each period of detention
Section 35	No right of appeal	No right of appeal
Section 36	No right of appeal	No right of appeal
Section 37	Right to appeal at any time during the course of the detention	Right to appeal once during the second 6 months of detention; and then once in any subsequent period of detention
Section 7 Guardianship Order	No right of appeal	Right to appeal once during each period of detention
Section 38	No right of appeal	No right of appeal
Section 47	Right to appeal at any time during the course of the detention	Right to appeal once within the first 6 months of detention; and then once in each subsequent period of detention
Section 48	Right to appeal at any time during the course of the detention	Right to appeal once within the first 6 months of detention; and then once in each subsequent period of detention
Section 37/41	Right to appeal – however, the Hospital Managers only have the authority to recommend discharge	Right to appeal once during the second 6 months of detention; and then once in any subsequent period of detention
Section 47/49	Right to appeal – however, the Hospital Managers only have the authority to recommend discharge	Right to appeal once during the first 6 months; once during the second 6 months and yearly thereafter
Section 48/49	Right to appeal – however, the Hospital Managers only have the authority to recommend discharge	Right to appeal once during the first 6 months; once during the second 6 months and yearly thereafter