



Community Treatment Orders

This Practice Direction is issued under s160(3) of the *Mental Health Act 2007* (MHA).

1. Purpose

- 1.1. This Practice Direction sets out the procedures to be followed when making an application to the Mental Health Review Tribunal for a Community Treatment Order (CTO). Sections 51 and 52 of the *Mental Health Act 2007* (MHA) apply. This Practice Direction applies to all CTO applications from 1 September 2023.
- 1.2. The Act imposes an obligation on the applicant to provide written notice of the application and a copy of the treatment plan to the affected person. Notice requirements and the statutory time periods before a CTO application may be heard, will dictate hearing dates allocated by the Tribunal Registry. All applicants should carefully read the notice and time period requirements set out below.

2. Procedural requirements for CTO applications

- 2.1. To ensure compliance with legislative requirements, applicants should assess whether an application will be made for a CTO well in advance of any proposed hearing date. This will ensure sufficient time to comply with notice requirements and for Tribunal Registry to schedule the proposed hearing date. Different notice requirements apply where the affected person is in the community or a detained in a mental health facility as set out below.
- 2.2. Where the affected person is in the community:
 - 2.2.1. Treating teams should make an assessment whether an application for a CTO is to be made at least six weeks prior to the preferred hearing date – this is for new applications and further applications for those on an existing CTO.
 - 2.2.2. Serve the notice and treatment plan, on the affected six weeks prior to the preferred hearing date.
 - 2.2.3. Send the Hearing Application form to the Tribunal at least 28 days before your preferred hearing date.
 - 2.2.4. Send the Confirmation of Service form, with the Hearing Application form, to the Registry.
 - 2.2.5. If you cannot send the Confirmation of Service form with the Hearing Application form, forward it to the Registry as soon as possible.
 - 2.2.6. Notify, in writing, any designated carer/principal care provider of the application.



- 2.2.7. Use the Notice of Application form on the Tribunal website.
 - 2.2.8. Use the Confirmation of Service form on the Tribunal website.
 - 2.2.9. Use the Hearing Application form on the Tribunal Website.
 - 2.2.10. Use the new Treatment Plan Template on the Tribunal website
 - 2.2.11. Each application for a CTO will be allocated a hearing date by the Tribunal Registry. All efforts will be made to allocate the preferred hearing date; however, this cannot be guaranteed.
 - 2.2.12. Given substantial increases in hearing demand in recent years, and limited Tribunal resources, delays may be experienced. It is therefore important for all applicants to make applications well in advance of preferred hearing dates.
- 2.3. Where the affected person is detained in a mental health facility:
- 2.3.1. If the affected person is detained in a mental health facility, the copy of the treatment plan and the notice of the application is to be given to the affected person two days before the preferred hearing date; and the Hearing Application, and Confirmation of Service, is to be sent to the Tribunal Registry.

3. Who can apply for a CTO?

- 3.1. Section 51 of the MHA and cl 11 *Mental Health Regulation 2025* provides that an application for a CTO can be made by:
 - 3.1.1. The authorised medical officer at a mental health facility where the person is detained/or is a patient.
 - 3.1.2. A medical practitioner familiar with the affected person.
 - 3.1.3. A director of community treatment at a mental health facility (cl 11, *Mental Health Regulation 2025* (MH Regulation)).
 - 3.1.4. A designated carer or principal care provider of the affected person (cl 9, MH Regulation).

4. Notice requirements

- 4.1. The Act requires that the affected person be given notice of the application prior to any hearing and sets out ways to serve the notice. The way that the notice is served can affect when the application is permitted to be heard by the Tribunal (see below).
- 4.2. Notice includes written notice of the application and a copy of the treatment plan.
- 4.3. An application may not be heard earlier than 14 days after notice is given (s52 of the MHA) – this applies where there is no current CTO at the time the notice is served and the person is not detained in a mental health facility.
- 4.4. Notice may be given less than 14 days before the hearing date, where a person is on a current CTO at the time of service, however reasonable notice must be given (see below).

Notice can also be less than 14 days where the person is detained, however reasonable notice is required (see below).

- 4.5. For all applications where a person is not detained, the time frames in paragraph 2.2 above should be followed, as this will assist with compliance with notice requirements, as well as facilitating allocation of the applicant's preferred hearing date.

5. How to serve the Notice

- 5.1. Written notice can be personally given to the affected person (personal service) – personal service does not include placing it in the letter box in the absence of the person.
- 5.2. Written notice can be sent to an email address – note that this must be an email address which the affected person has approved for receiving such documents.
- 5.3. To meet legal requirements, where service is by email or personal service, you must do so no later than 15 days before the hearing.
- 5.4. Written notice can be sent by regular post – service will be taken to have been affected when the notice is posted 14 days PLUS 7 working days before the hearing date. Note: working days do not include Saturday, Sunday, Public Holidays or bank holidays.

6. “Reasonable notice” where an existing CTO at the time the Notice is served

- 6.1. Notice can be given less than 14 days before the hearing date (s52(3)) where the affected person is on a current CTO, however reasonable notice must be given.
- 6.2. Reasonable notice is considered on the evidence presented, however at least seven days would generally constitute reasonable notice.

7. “Reasonable notice” where the affected person is detained in a mental health facility

- 7.1. If the affected person is detained in a mental health facility, the copy of the treatment plan and the notice of the application is to be given to the affected person two days before the preferred hearing date; and the Hearing Application, and Confirmation of Service, is to be sent to the Tribunal Registry.
- 7.2. Reasonable notice would be at least seven days, after the Notice is served, before the hearing date.

8. Section 54(4)(b) – Request to have CTO application heard in shorter time frame

- 8.1. The Tribunal panel may hear an application for a CTO, where the notice period has not been complied with – that is, where the hearing is less than 14 days after notice is given and the person is not on a current CTO or detained – if satisfied that this is in the best interests of the affected person.
- 8.2. Whether it is in the best interests of the affected person to hear the application, will be decided by the Tribunal at a hearing.
- 8.3. If the Tribunal is satisfied of best interests, the hearing may proceed.

- 8.4. If the Tribunal is not satisfied that it is in the best interests of the affected person, the application will not be heard.
- 8.5. Best interests criteria – focus on what is best for the affected person. It is not a means to cure late notice because of administrative oversight.

Judge Carolyn Huntsman
President

Dated May 2026

*Formerly called “Practice Direction 2 of 2023”

Version	President	Date
1. Practice Direction 2 of 2023 Community Treatment Orders	Judge Huntsman	July 2023
2. Practice Direction: Civil No.1 Reviewed, renamed and reformatted	Judge Huntsman	March 2025
3. Updated Mental Health Regulation 2025	Judge Huntsman	November 2025
4. Updated to reflect change of title; reviewed and edited with slight amendments to text, including to clarify requirement to send application etc to registry six weeks prior to preferred hearing date	Judge Huntsman	May 2026
5. Next scheduled review		June 2027