



Roger Pezzani has a specialist mental health and public law practice, comprising:

**Mental Health Review Tribunals** - Roger has extensive experience in appearing before the MHRT, including 'difficult' Part III tribunals in the three high security hospitals and associated DSPD units. He is frequently instructed in tribunals where the Ministry of Justice and the detaining authority are represented by counsel.

**Judicial Review** - Roger has advised on a diverse range of public law matters arising from the detention and compulsory treatment of people diagnosed with mental health problems, including forced treatment with psychotropic medication, detention in long-term seclusion, MHRT procedure, the lawfulness of detention and recall, the right of detained patients to marry, the transfer of patients between hospitals, and hospital procedures for preventing self harm and suicide. He is experienced at conducting proceedings in the Administrative Court.

**Applications to displace the statutory nearest relative of patients.**

**Damages Actions in the County and High Court** - Relating to unlawful detention or treatment of psychiatric patients, including the misuse of short term holding powers, delay following deferred conditional discharge, and discriminatory structural arrangements within the NHS.

Roger has written for peer reviewed journals such as the Journal of Forensic Psychiatry and Psychology and the Journal of Mental Health Law. He has lectured and trained for organisations including the Legal Services Commission, the Mental Health Lawyers' Association and the Legal Action Group. He was an editor of the Mental Health Law Reports for several years.

Before becoming a barrister, Roger was employed as a care worker, working with people with severe learning disabilities.

## Notable cases include:

**RM v St Andrew's Healthcare [2010] UKUT 119 (AAC) (written submissions)**

**MD v Nottinghamshire Health Care NHS Trust [2010] UKUT 59 (AAC)**

**R (PP) v Secretary of State for Justice [2009] EWHC 2464 (Admin)**

**R (X) v Secretary of State for Justice [2009] EWHC 2465 (Admin)**

**R (TF) v Secretary of State for Justice [2008] EWCA Civ 1457 (2009) 106 BMLR 54, (2009) 12 CCL Rep 245, [2008] MHLR 370; (first instance: R (F) v Secretary of State for the Home Department [2008] EWHC 2912 (Admin) [2008] MHLR 361**

**M v South West London & St George's Mental Health NHS Trust [2008] EWCA Civ 1112 (07 August 2008)**

**RD, R (on the application of) v Mental Health Review Tribunal [2007] EWHC 781 (Admin)**

**R (O) v MHRT [2006] MHLR 326; (2007) 93 BMLR 110; (2007) A.C.D. 16**  
The nature of an 'application' to the MHRT; the procedure to be used for the

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1997

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### Practice Areas:

Roger Pezzani is a member of the following Practice Areas:

- Civil Law
- Community Care
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withdrawal of an application.

**R (Care Principles Ltd) v MHRT; R (AL) v Care Principles Ltd & ors [2006] M.H.L.R. 365; (2007) BMLR 145**

Whether a tribunal decision to discharge was lawful and adequately reasoned; whether a subsequent re-detention of the patient was lawful.

**R (B) v (1) A Haddock (2) Dr J Rigby (3) Dr Wood (2006) H.R.L.R. 40; (2006) Lloyd's Rep Med 433; (2007) 93 BMLR 52; Independent, July 13, 2006; (2005) 85 BMLR 57 (first instance)**

The lawfulness of forced treatment under section 58 Mental Health Act 1983

**R (SC) v (1) MHRT (2) The Secretary Of State For Health & Secretary Of State For The Home Department [2005] MHLR 31; (2005) A.C.D. 102; (2005) A.C.D. 89; Times, January 24, 2005**

The compatibility of section 75(3) of the Mental Health Act 1983 with Article 6 ECHR

**R (LI) v MHRT [2004] M.H.L.R. 150; (2004) A.C.D. 74**

The lawfulness of a tribunal's decision not to discharge; the adequacy and intelligibility of its reasons

**R (PS) v (1) Responsible Medical Officer (Dr G) (2) Second Opinion Appointed Doctor (Dr W) [2004] M.H.L.R. 1**

The lawfulness of forced treatment under section 58 Mental Health Act 1983

**Holder v Law Society [2003] 1 WLR 1059; [2003] 3 All ER 62**

The human rights of a solicitor subject to the disciplinary procedures of the Law Society

**R (Tagoe-Thompson) v Hospital Managers Of Park Royal Centre [2003] 1 WLR 1272; [2003] M.H.L.R. 326; [2003] M.H.L.R. 321 : Times, December 13, 2002; Independent, February 17, 2003 (first instance)**

The procedure when a committee of hospital managers is divided on whether a patient's detention is lawful; the construction of section 23 of the Mental Health Act 1983