
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

The Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008

PART II

REMOVAL OF PATIENTS FROM SCOTLAND

Responsible medical officer's duties: notification of proposed removal

3. Where—

- (a) a patient has notified their responsible medical officer of the patient's wish to be removed;
or
- (b) in the case where the patient is not capable of giving that notification, the patient's named person has notified the patient's responsible medical officer that that person considers that it is in the patient's best interests to be removed;

the responsible medical officer shall as soon as practicable give notice of that fact and any surrounding circumstances of the case to—

- (i) except where the notification referred to in paragraph (b) above has been given by the patient's named person, that person;
- (ii) the Commission;
- (iii) any guardian of the patient;
- (iv) any welfare attorney of the patient;
- (v) the patient's primary carer;
- (vi) the managers of the hospital specified in the patient's order; and
- (vii) the patient's mental health officer.