

*Draft Regulations laid before the Scottish Parliament under section 326(4) of the Mental Health (Care and Treatment) (Scotland) Act 2003 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2012 No.**

**MENTAL HEALTH**

**The Mental Health (Safety and Security)  
(Scotland) Amendment Regulations 2012**

*Made* - - - - 2012  
*Coming into force* - - 1st August 2012

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 286(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 286(6) of that Act, they have consulted with such persons as they consider appropriate.

In accordance with section 326(4) of that Act<sup>(2)</sup>, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Mental Health (Safety and Security) (Scotland) Amendment Regulations 2012 and come into force on 1st August 2012.

**Amendment of the Mental Health (Safety and Security) (Scotland) Regulations 2005**

2. In regulation 2(2) (specified persons) of the Mental Health (Safety and Security) (Scotland) Regulations 2005<sup>(3)</sup>, for sub-paragraph (a) substitute—

- “(a) the person is detained in—
- (i) a state hospital;
  - (ii) the Orchard Clinic in Royal Edinburgh Hospital, Morningside Terrace, Edinburgh;
  - (iii) the Rowanbank Unit, 133C Balornock Road, Glasgow; or

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(1) 2003 asp 13; see section 329 for the definition of “regulations”.  
(2) Section 326(4) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).  
(3) S.S.I. 2005/464, amended by S.S.I. 2007/243.

(iv) the Medium Secure Service, Rohallion Clinic, Murray Royal Hospital, Muirhall Road, Perth; or”.

3. The Mental Health (Safety and Security) (Scotland) Amendment Regulations 2007(4) are revoked.

St Andrew’s House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Mental Health (Safety and Security) (Scotland) Regulations 2005 (“the principal Regulations”) to add the Medium Secure Service, Rohallion Clinic, Muirhall Road, Perth to the list of institutions specified in regulation 2(2)(a) of those Regulations (regulation 2).

The principal Regulations provide for ‘specified persons’, who may be made subject to measures to protect the safety and security of themselves and others. A person is only a “specified person” if certain conditions exist, one of which is that the person is detained in a state hospital or other place specified in regulation 2(2)(a) of the principal Regulations.

The Mental Health (Safety and Security) (Scotland) Amendment Regulations 2007 are revoked.