
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

The Mental Health (Cross-border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Amendment Regulations 2017

PART 2

Amendments to the principal Regulations

CHAPTER 2

Amendments to Part 2 (Removal of patients from Scotland)

Amendment of regulation 14

18.—(1) Regulation 14 of the principal Regulations (appeals to the sheriff principal and Court of Session against certain decisions) is amended as follows.

- (2) In paragraph (1), for “regulation 12(2)” substitute “regulation 13(2)”.
- (3) In paragraph (2)(a), for “paragraphs (b) to” substitute “paragraphs (c) and”.
- (4) After paragraph (3) insert—

“(4) In relation to a case in which section 320 or 321 of the 2003 Act applies by virtue of this regulation, subsection (5) of section 257A of the 2003 Act⁽¹⁾ (ability to act if no named person) is to be ignored.”.

(1) Section 257A of the Mental Health (Care and Treatment) (Scotland) Act 2003 is inserted by the Mental Health (Scotland) Act 2015, section 25.