
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 206

MENTAL HEALTH

**The Mental Health (Provision of Information to Patients)
(Prescribed Times) (Scotland) Regulations 2005**

| | | |
|--|---------|-------------------------|
| <i>Made</i> | - - - - | <i>4th April 2005</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>7th April 2005</i> |
| <i>Coming into force</i> | - - | <i>5th October 2005</i> |

The Scottish Ministers, in exercise of the powers conferred by section 260(3)(c) of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mental Health (Provision of Information to Patients) (Prescribed Times) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

(2) In these Regulations any reference to a numbered section is a reference to the section bearing that number in the Mental Health (Care and Treatment) (Scotland) Act 2003.

Prescribed times

2. The times prescribed for the purposes of section 260(3)(c) (times other than those specified when the managers of a hospital must take all reasonable steps to ensure that the patient understands certain matters etc) are as soon as practicable after—

- (a) the making of a determination by a responsible medical officer under section 86(1) (determination extending compulsory treatment order);
- (b) the making of an order by the Tribunal under section 102(1)(d) (confirmation of determination and variation of compulsory treatment order);
- (c) the making of an order by the Tribunal under—
 - (i) section 103(1)(a) (extension and variation of compulsory treatment order);
 - (ii) section 103(1)(b) (extension of compulsory treatment order);

- (iii) section 103(2)(d) (confirmation of determination and variation of compulsory treatment order);
- (iv) section 103(3)(b) (variation of compulsory treatment order); or
- (v) section 103(4)(a) (variation of compulsory treatment order);
- (d) the making of an order by the Tribunal under section 104(1)(a) (variation of compulsory treatment order);
- (e) the making of an interim order by the Tribunal under section 105(2) (extension, or extension and variation, of compulsory treatment order);
- (f) the making of an interim order by the Tribunal under section 106(2) (variation of compulsory treatment order);
- (g) the grant of a certificate by the responsible medical officer under—
 - (i) section 114(2)(2) (continued detention in hospital for 28 days); or
 - (ii) section 115(2) (authorisation of continued detention in hospital until expiry of authority in order);
- (h) the giving of notice by the managers of a hospital under—
 - (i) section 124(4)(3) or 124(6)(a) (notice of proposed transfer to another hospital); or
 - (ii) section 124(6)(b) (notice of transfer to another hospital having taken place);
- (i) the grant of a certificate by a responsible medical officer under section 127(1)(b)(4) (suspension of a requirement that a patient be detained in hospital) suspending for more than 28 days a measure specified in a compulsory treatment order or a relevant compulsion order;
- (j) the grant of a certificate by a responsible medical officer under section 128(1)(b)(5) (suspension of other measures) suspending for more than 28 days other measures specified in a compulsory treatment order or a relevant compulsion order;
- (k) the revocation of a certificate by a responsible medical officer under section 129(2)(6) (revocation of certificate suspending measure in compulsory treatment order or a relevant compulsion order);
- (l) the making of a determination by a responsible medical officer under section 152(2) (extension of compulsion order);
- (m) the making of an order by the Tribunal under section 166(1)(d) (confirmation of determination and variation of compulsion order);
- (n) the making of an order by the Tribunal under—
 - (i) section 167(1)(a) (extension of compulsion order);
 - (ii) section 167(2)(a) (extension and variation of compulsion order);
 - (iii) section 167(2)(b) (extension of compulsion order);
 - (iv) section 167(3)(d) (confirmation of determination and variation of compulsion order);
 - (v) section 167(4)(b) (variation of compulsion order); or
 - (vi) section 167(5)(a) (variation of compulsion order);

(2) Section 114 is applied to a patient subject to a relevant compulsion order by section 177(2).

(3) Section 124 is applied to a patient whose detention in hospital is authorised by a relevant compulsion order by section 178.

(4) Section 127 is applied to a patient subject to a relevant compulsion order by section 179(1).

(5) Section 128 is applied to a patient subject to a relevant compulsion order by section 179(2).

(6) Section 129 is applied to a patient subject to a relevant compulsion order by section 179(3).

- (o) the making of an interim order by the Tribunal under section 168(2) (extension or extension and variation of compulsion order) extending a compulsion order;
- (p) the making of an interim order by the Tribunal under section 169(2) (variation of compulsion order);
- (q) the making of an order by the Tribunal under section 171(1)(a) (variation of compulsion order);
- (r) the making of an order by the Tribunal under—
 - (i) section 193(6) (variation of compulsion order); or
 - (ii) section 193(7) (conditional discharge and imposition of conditions);
- (s) the variation of any condition imposed by the Tribunal by the Scottish Ministers under section 200(2) (variation of conditions imposed on conditional discharge);
- (t) the recall of the patient to hospital by warrant by the Scottish Ministers under section 202(2) (recall of patients from conditional discharge);
- (u) the grant of a certificate by the patient’s responsible medical officer under section 224(2) (suspension of a requirement that a patient be in hospital) suspending for more than 28 days the detention in hospital of the patient subject to—
 - (i) a treatment order;
 - (ii) an interim compulsion order;
 - (iii) a compulsion order and a restriction order;
 - (iv) a hospital direction; or
 - (v) a transfer for treatment direction;
- (v) the revocation of a certificate granted by the patient’s responsible medical officer under section 224(2) (suspension of authorisation for detention of patient in hospital) by the patient’s responsible medical officer under section 225(2); and
- (w) the revocation of a certificate granted by the patient’s responsible medical officer under section 224(2) (suspension of authorisation for detention of patient in hospital) by the Scottish Ministers under section 226(2).

St Andrew’s House, Edinburgh
4th April 2005

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 260(2) of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#) (“the Act”) requires the managers of a hospital, at each of the times mentioned in section 260(3), to take all reasonable steps to ensure that a patient to whom section 260(1) applies understands the relevant matters defined in section 260(5), is supplied with certain materials and is informed of the availability of independent advocacy services.

Section 260(1) applies to a patient who is detained in a hospital by virtue of the Act or the Criminal Procedure (Scotland) Act 1995 (c. 46) or, although not detained in a hospital, is subject to any of the certificates, orders, or directions specified in section 260(1)(b).

In addition to the times specified in section 260(3) of the Act, the Scottish Ministers are empowered by section 260(3)(c) to prescribe the times when this should be done. These regulations prescribe those other times.