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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 381**

**MENTAL HEALTH**

**The Mental Health (Removal  
Order) (Scotland) Regulations 2005**

<i>Made</i>	- - - -	<i>8th July 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th July 2005</i>
<i>Coming into force</i>	- -	<i>5th October 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 293(6)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Mental Health (Removal Order) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

**Persons to be afforded the opportunity to be heard by sheriff**

2. The persons prescribed for the purposes of section 293(6)(b) (removal order) of the Mental Health (Care and Treatment) (Scotland) Act 2003 are:

- (a) the nearest relative of the person;
- (b) any guardian of the person;
- (c) any welfare attorney of the person;
- (d) any primary carer of the person.

St Andrew's House, Edinburgh  
8th July 2005

*LEWIS MACDONALD*  
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**Status:** This is the original version (as it was originally made).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.

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## **EXPLANATORY NOTE**

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

These Regulations specify the persons, other than the person who is the subject of the application, who are to be afforded an opportunity by a sheriff to make representations and to lead or produce evidence before an application for a removal order under section 293 of the Mental Health (Care and Treatment) (Scotland) Act 2003 is determined.