
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 464

The Mental Health (Safety and Security) (Scotland) Regulations 2005

Specified persons

2.—(1) For the purposes of section 286(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003, a person detained in hospital by virtue of that Act or the Criminal Procedure (Scotland) Act 1995⁽¹⁾ is a specified person if either of the conditions specified in paragraph (2) and both of the conditions in paragraphs (3) and (4) are met.

(2) The conditions specified in this paragraph are—

- (a) the person is detained in a state hospital or the Orchard Clinic in Royal Edinburgh Hospital, Morningside Terrace, Edinburgh; or
- (b) it is less than 6 months starting with the date of recording since the person's responsible medical officer has recorded a reasoned opinion that the person has sought to acquire or is likely to seek to acquire, any item which is likely to be prejudicial to the health or safety of any person or to the security or good order of the hospital.

(3) The hospital managers have informed the person detained, unless to do so would, in the opinion of the patient's responsible medical officer, be prejudicial to the person's health or treatment, that person's named person and the Commission—

- (a) that the person detained is to be a specified person; and
- (b) where applicable to the person in question, the date of the recording of the opinion mentioned in paragraph (2)(b).

(4) The hospital managers have informed the person detained, unless to do so would, in the opinion of the patient's responsible medical officer, be prejudicial to the person's health or treatment, and that person's named person—

- (a) that, subject to the conditions mentioned in regulation 4, specified persons are subject to the measures; and
- (b) that a specified person has the right to the review mentioned in regulation 3 and the re-assessment mentioned in regulation 5(b).