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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 466**

**The Mental Health (Definition of Specified Person:  
Correspondence) (Scotland) Regulations 2005**

**Specified persons**

2.—(1) The conditions specified for the purposes of section 281(9)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (definition of specified person) are either of the conditions specified in paragraph (2) and the conditions specified in paragraphs (3) and (4).

(2) The conditions specified in this paragraph are either—

(a) the patient is detained in a state hospital; or

(b) the responsible medical officer has within the last 6 months, starting with the date of recording, recorded a reasoned opinion that there is a likelihood that—

(i) postal packets sent by the patient may cause distress to the addressee or any other person who is not on the staff of the hospital, or danger to any person; or

(ii) receipt of postal packets addressed to the patient may not be in the interests of the health or safety of the patient or may cause danger to any other person.

(3) The condition specified is that hospital managers have informed the patient, the patient's named person and the Commission—

(a) that the patient is to be a specified person; and

(b) where applicable to the patient in question, the date when the opinion mentioned in paragraph (2)(b) was recorded.

(4) The condition specified is that hospital managers have informed the patient and the patient's named person that postal packets addressed to a specified person may be withheld from the specified person and that postal packets delivered by a specified person for dispatch may be withheld from the relevant carrier.