
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 467

**The Mental Health (Cross border transfer:
patients subject to detention requirement or
otherwise in hospital) (Scotland) Regulations 2005**

**PART I
GENERAL**

Application of Regulations

2.—(1) Subject to paragraph (4), Parts II and III of these Regulations apply to persons as provided for in paragraphs (2) and (3).

(2) Part II applies to—

- (a) the removal, of a patient whose detention in hospital is authorised by virtue of the 2003 Act or the 1995 Act, from Scotland to a place outwith Scotland (whether or not a place in the United Kingdom); and
- (b) the removal, of a patient who for the purposes of being given treatment for mental disorder is in hospital otherwise than by virtue of the 2003 Act or the 1995 Act, from Scotland to a place outwith the United Kingdom.

(3) Part III applies to the reception in Scotland of a person subject to relevant measures in a relevant territory and removed from there.

(4) Nothing in these Regulations authorises the removal from Scotland of a patient subject to—

- (a) a treatment order;
- (b) an assessment order;
- (c) an interim compulsion order;
- (d) a temporary compulsion order;
- (e) remand for inquiry into the person's mental condition under section 200(2)(b) of the 1995 Act,

or the reception in Scotland of a person subject to measures corresponding or similar to those referred to in this paragraph in a relevant territory.