
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 III

RECEPTION OF PERSONS IN SCOTLAND

Future treatment of patient

46.—(1) Subject to paragraph (2), and the other specific modifications made by these Regulations, the 2003 Act or, as the case may be, the 1995 Act shall apply to patients received in Scotland as they apply to patients whose treatment commenced in Scotland.

(2) Where the assessment carried out under regulation 36 takes place during the specified period in respect of the sections of the 2003 Act listed in paragraph (3) the review required by those sections need not take place.

(3) The sections referred to in paragraph (2) are—

- (a) section 77(2) (first mandatory review);
- (b) section 78(2) (further mandatory reviews);
- (c) section 139(2) (first review of compulsion order);
- (d) section 140(2) (further reviews of compulsion order);
- (e) section 182(2) (review of compulsion order and a restriction order); and
- (f) section 206(2) (review of hospital direction and transfer for treatment direction).

(4) In this regulation the “specified period” means the period specified in the sections listed in paragraph (3).