
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 II

REMOVAL OF PATIENTS FROM SCOTLAND

Mental health officer's duties where application for warrant for removal is to be made

6.—(1) The mental health officer shall, as soon as practicable after being notified under regulation 5, and, in any event, within 7 days of the day on which notice was given, comply with the requirements in paragraph (2).

(2) Those requirements are—

- (a) to interview the patient;
- (b) to inform the patient of the patient's rights in relation to such an application;
- (c) to inform the patient of the availability of independent advocacy services under section 259 of the 2003 Act;
- (d) to take appropriate steps to ensure that the patient has the opportunity of making use of those services; and
- (e) to inform the patient's responsible medical officer—
 - (i) of whether the mental health officer agrees, or disagrees, that the application that is proposed should be made;
 - (ii) if the mental health officer disagrees, of the reason why that is the case; and
 - (iii) of any other matters that the mental health officer considers relevant.