
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 356

The Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008

PART III

RECEPTION OF PERSONS IN SCOTLAND

Powers of escorts

22.—(1) Where a patient is being escorted to Scotland by virtue of directions given under regulation 15, from the time when the patient enters Scotland until the patient reaches the patient's destination, the persons escorting the patient (the escorts) will have the powers set out in paragraphs (2) and (3).

(2) Those powers are—

- (a) where the patient is being escorted to the patient's destination in Scotland by escorts authorised in England and Wales under the law of that territory, the same powers in respect of the patient as they had in England and Wales;
- (b) where the patient is being escorted to that patient's destination in Scotland by escorts authorised under or by virtue of the 2003 Act, the same powers to escort the patient as they would have if the patient was subject to the measure under the 2003 Act or the 1995 Act to which they will be treated as if they are subject by virtue of regulation 19;
- (c) without prejudice to sub paragraph (a), where the patient absconds from the custody of escorts mentioned in that sub-paragraph, to immediately pursue and resume the custody of that person; and
- (d) without prejudice to sub-paragraph (a), to restrain the patient if the patient has absconded or attempted to abscond while being so escorted.

(3) The powers conferred by paragraph (2)(c) and (d) include the power to use reasonable force in their exercise.