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SCOTTISH STATUTORY INSTRUMENTS

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**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

**Preparation of a care plan**

**29.**—(1) Paragraphs (2) and (3) shall apply in respect of the preparation of care plans for patients received in Scotland.

(2) Where by virtue of regulation 19, the patient has become treated as if that patient is subject to a compulsory treatment order, section 76 of the 2003 Act shall have effect subject to the modification that in subsection (1) for the words “a patient’s responsible medical officer is appointed under section 230 of this Act” substitute “the date on which the patient was assessed in accordance with regulation 25(1) of the Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008 and in any event within 28 days of that date”.

(3) Where by virtue of regulation 19 the patient has become treated as if that patient is subject to a compulsion order section 137 of the 2003 Act shall have effect subject to the following modifications—

(a) for subsection (1) substitute—

“This section applies where a patient is treated as if that patient is subject to a compulsion order by virtue of regulation 19 of the Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008”; and

(b) in subsection (2) for the words “a patient’s responsible medical officer is appointed under section 230 of this Act” substitute “the date on which the patient was assessed in accordance with regulation 25(1) of those Regulations and, in any event, within 28 days of that date”.