
WELSH STATUTORY INSTRUMENTS

2008 No. 2439

The Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008

PART 4

Procedures and Records relating to Community Treatment

Recall and release of community patients

19.—(1) For the purpose of recalling a patient to hospital under section 17E(1)—

- (a) a responsible clinician's notice under section 17E(5) must be in the form set out in Form CP 5;
- (b) the responsible clinician must furnish a copy of the notice to the managers of the responsible hospital as soon as reasonably practicable;
- (c) where the patient is recalled to a hospital which is not the responsible hospital, the responsible clinician must—
 - (i) furnish the managers of that hospital with a copy of the notice, and
 - (ii) notify those managers of the name and address of the responsible hospital; and
- (d) the managers of the hospital to which the patient is recalled must record the time and date of the patient's detention pursuant to that notice in the form set out in Part 1 of Form CP 6.

(2) In relation to the release of a community patient recalled to hospital under section 17F(5), the responsible clinician must notify the managers of the responsible hospital of any such release and those managers must record the time and date of the patient's release in the form set out in Part 2 of Form CP 6.

(3) Where the patient's responsible hospital is in England, the patient's recall must be effected in accordance with Regulations made by the Secretary of State to similar effect for England.

(4) A responsible clinician's notice recalling a patient to hospital for the purposes of section 17E (power to recall a community patient to hospital) in Form CP 5 must be served by—

- (a) delivering it by hand to the patient,
- (b) delivering it by hand to the patient's usual or last known address, or
- (c) sending it by pre-paid first class post addressed to the patient at the patient's usual or last known address.

(5) Notice of recall in Form CP 5 is considered served—

- (a) in the case of paragraph 4(a), immediately on delivery of the notice to the patient;
- (b) in the case of paragraph 4(b), on the day (which does not have to be a business day) after it is delivered;
- (c) in the case of paragraph 4(c), on the second business day after it was posted.