
WELSH STATUTORY INSTRUMENTS

2008 No. 2439

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

PART 5

Transfer and Conveyance

Transfer from hospital to hospital or guardianship

23.—(1) This regulation applies in respect of any patient to whom section 19(1)(a) as modified by Schedule 1 to the Act applies (“hospital patient”), who is not a patient transferred under—

- (a) section 19(3) (transfer between hospitals under the same managers), or
- (b) section 123(1) and (2) (transfers between and from special hospitals).

(2) A hospital patient may be transferred to another hospital where—

- (a) an authority for transfer in the form set out in Part 1 of Form TC 1 is given by the managers of the hospital in which the patient is liable to be detained; and
- (b) those managers are satisfied that arrangements have been made for the admission of the patient to the hospital to which it is proposed that he or she is to be transferred.

(3) On the transfer of that patient, the managers of the hospital to which he or she is transferred must record the patient’s admission in the form set out in Part 2 of Form TC 1.

(4) A hospital patient may be transferred into the guardianship of a local social services authority, or of any person approved by a local social services authority, where—

- (a) an authority for transfer in the form set out in Part 1 of Form TC 2 is given by the managers of the hospital in which the patient is liable to be detained;
- (b) the transfer has been agreed by the local social services authority, which will be the responsible one if the proposed transfer takes effect;
- (c) that local social services authority has specified the date on which the transfer will take place; and
- (d) where the person named in the authority for transfer as guardian will be a private guardian, the agreement of that person has been obtained and recorded in the form set out in Part 2 of Form TC 2.

(5) On the transfer of that patient, the responsible local social services authority must record the patient’s transfer in the form set out in Part 3 of Form TC 2.

(6) Where a hospital patient is detained in a registered establishment—

- (a) he or she may be transferred from that establishment to another registered establishment where both establishments are under the management of the same managers, and paragraph (2) will not apply;
- (b) if he or she is maintained under a contract with a National Health Service Trust, Local Health Board, Strategic Health Authority, Primary Care Trust, NHS Foundation Trust,

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Special Health Authority or the Welsh Ministers, any authority for transfer required under paragraph (2)(a) or, as the case may be, (4)(a) may be given by a duly authorised officer of that trust, board or authority instead of by the managers, or, as the case may be, by the Welsh Ministers instead of the managers.

(7) In this regulation the functions of the managers may be performed by an officer authorised by them in that behalf.

(8) Where the conditions of paragraphs (2) or (4), as the case may be, are satisfied, the transfer of the patient must be effected within 28 days of the date of the authority as provided under subparagraph (a) of paragraphs (2) or (4), failing which the authority for the transfer will cease.