



Mental Health (Scotland) Act 2015

2015 asp 9

PART 1

THE 2003 ACT

Cross-border transfers and absconding patients

32 Cross-border transfer of patients

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In section 289 (cross-border transfer: patients subject to requirement other than detention), in paragraph (b) of subsection (1)—
 - (a) the words from “a person” to the end become sub-paragraph (i),
 - (b) after that sub-paragraph (as so numbered) there is inserted—
 - “(ii) a person subject to corresponding requirements in a member State of the European Union (apart from the United Kingdom) and removed from that State.”.
- (3) In section 290 (cross-border transfer: patients subject to detention requirement or otherwise in hospital)—
 - (a) in paragraph (c) of subsection (1)—
 - (i) the words from “a person” to the end become sub-paragraph (i),
 - (ii) after that sub-paragraph (as so numbered) there is inserted—
 - “(ii) a person subject to corresponding measures in a member State of the European Union (apart from the United Kingdom) and removed from that State.”,
 - (b) for paragraph (f) of subsection (2) there is substituted—
 - “(f) enable an appeal against any such decision to be made by—
 - (i) such a patient,
 - (ii) the named person of such a patient,
 - (iii) if such a patient has no named person—
 - any guardian of such a patient,
 - any welfare attorney of such a patient,

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 32. (See end of Document for details)

the primary carer (if any) of such a patient,
the nearest relative of such a patient;”.

- (4) In section 309A (cross-border visits: leave of absence), in subsection (1)—
- (a) the words from “a person” to the end become paragraph (a),
 - (b) after that paragraph (as so numbered) there is inserted—
 - “(b) a person who is subject to a corresponding suspension of detention in a member State of the European Union (apart from the United Kingdom).”.

Commencement Information

- I1** S. 32 in force at 5.5.2017 for specified purposes by [S.S.I. 2017/126, art. 2, sch.](#)
- I2** S. 32 in force at 30.6.2017 in so far as not already in force by [S.S.I. 2017/197, art. 2, sch.](#)

Changes to legislation:

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