



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,

Status: This is the original version (as it was originally enacted).

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).”.