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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2008 No.**

**The Mental Health (Cross-border Visits) (Scotland) Regulations 2008**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Mental Health (Cross-border Visits) (Scotland) Regulations 2008 and come into force on the day after the day on which they are made.

(2) In these Regulations—

“the Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003;

“cross-border patient” means a person who is subject to a corresponding suspension of detention in England, Wales, Northern Ireland, the Isle of Man or any of the Channel Islands; a person is subject to a “corresponding suspension of detention” in a relevant territory if under the law of that territory—

- (a) but for the leave of absence mentioned in paragraph (b), the person would be subject to measures corresponding or similar to detention in hospital authorised by virtue of the Act or the Criminal Procedure (Scotland) Act 1995<sup>(1)</sup>; and
- (b) the person has been granted a leave of absence subject to a condition corresponding or similar to the condition set out in section 127(6)(a) of the Act; and

“relevant territory” means—

- (a) England and Wales;
- (b) Northern Ireland;
- (c) the Isle of Man; or
- (d) any of the Channel Islands.

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(1) 1995 c. 46; to which there are no relevant amendments.