
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

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

Powers in relation to cross-border patients

- 2.—(1) Where a cross-border patient is in Scotland—
- (a) that patient may be kept in the charge of a person authorised for that purpose in relation to the leave of absence referred to in paragraph (b) of the definition of “corresponding suspension of detention”; and
 - (b) sections 302 and 303 of the Act shall apply to that patient as they apply to a patient in respect of whom—
 - (i) a certificate under section 127(3) of the Act has effect; and
 - (ii) a condition under subsection (6) of that section requires that the patient be kept in the charge of an authorised person.
- (2) In the application of sections 302 and 303 of the Act in such a case—
- (a) references to an authorised person, and to the person who is authorised under section 127(6) of the Act, shall be construed as references to the person authorised as mentioned in paragraph (1)(a);
 - (b) references to any place, or any other place, considered appropriate by the patient’s responsible medical officer shall be construed as references to any place considered appropriate by—
 - (i) the person who granted the leave of absence referred to in paragraph (b) of the definition of “corresponding suspension of detention” or any person who could grant such leave of absence in relation to the cross-border patient; or
 - (ii) any medical practitioner;
 - (c) the period specified in section 303(4) shall be any period in which the cross-border patient is in Scotland; and
 - (d) section 303(7) shall not apply.