
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

The Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008

PART II

REMOVAL OF PATIENTS FROM SCOTLAND

Appeal to Tribunal

8.—(1) Where notice is given under regulation 6 that a patient is not to be removed from Scotland, the patient or the patient's named person, may, during the period of 14 days beginning with the date on which notice is received, appeal to the Tribunal against the decision of the responsible medical officer not to authorise the proposed removal.

(2) On an appeal under paragraph (1) the Tribunal may make or refuse to make an order that the proposed removal shall take place.

(3) On an appeal under paragraph (1) the Tribunal may:

- (a) make no direction to the responsible medical officer under this regulation; or
- (b) direct the responsible medical officer to issue a warrant for removal which shall authorise that patient's removal from Scotland, and that as soon as practicable after the direction is made, but subject always to any consent required under regulation 7(2) being obtained.

(4) The responsible medical officer shall, if so directed by the Tribunal under paragraph (3)(b), issue a warrant for removal, in accordance with regulation 7, which shall authorise that patient's removal from Scotland, and that as soon as practicable after the direction is made.