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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 467**

The Mental Health (Cross border transfer:  
patients subject to detention requirement or  
otherwise in hospital) (Scotland) Regulations 2005

PART III

RECEPTION OF PERSONS IN SCOTLAND

**Responsible medical officer's report and recommendation following assessment: hospital direction and transfer for treatment direction**

**40.**—(1) Subject to the modifications in paragraph (2), section 207 of the 2003 Act shall have effect in respect of a patient who has become treated as if they are subject to a compulsion order and a restriction order by virtue of regulation 30.

(2) The modifications referred to are—

- (a) in subsection (1), after “Act” insert “ or an assessment under regulation 36(1) of the Mental Health (Cross-border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005”;
- (b) in subsection (2), after “review” insert “or assessment”;
- (c) in subsection (3)(a), after “Act” insert “or regulation 36(4)(a) of those Regulations”;
- (d) in subsection (4)—
  - (i) after “by” insert—
    - “\_”;
    - (a)
  - (ii) after “Act” insert—
    - “; or
    - (b) the mental health officer consulted under regulation 36(2) of those regulations,”;
- (e) in subsection (5) for “persons consulted under section 206(3)(c)” substitute “the person referred to in subsection (4)(a) and (b)”; and
- (f) in subsection (5)(b)(ii) after “Act” insert “or paragraph (4)(a)(ii) and (iii) of regulation 36 of those Regulations”.