
SCOTTISH STATUTORY INSTRUMENTS

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

Preparation of a care plan

42.—(1) Paragraphs (2) and (3) shall apply in respect of the preparation of care plans for patients received in Scotland.

(2) Where, by virtue of regulation 30, the patient has become treated as if they are subject to a compulsory treatment order, section 76 of the 2003 Act⁽¹⁾ shall have effect subject to the modification that in subsection (1) for the words “a patient’s responsible medical officer is appointed under section 230 of this Act” substitute “the date on which the patient was assessed in accordance with regulation 36 of the Mental Health (Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005, and, in any event, within 28 days of that date”.

(3) Where, by virtue of regulation 30, the patient has become treated as if they are subject to a compulsion order section 137 of the 2003 Act shall have effect subject to the following modifications.

(a) for subsection (1) substitute—

“This section applies where a patient is treated as if they are subject to a compulsion order by virtue of regulation 30 of the Mental Health (Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005.”; and

(b) in subsection (2), for the words “a patient’s responsible medical officer is appointed under section 230 of this Act” substitute—

“the date on which the patient was assessed in accordance with regulation 36 of those Regulations and, in any event, within 28 days of that date”.