
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 356

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

PART III

RECEPTION OF PERSONS IN SCOTLAND

Reception in Scotland: consent

14.—(1) This regulation applies where it is proposed that a person (referred to in this Part as a “patient”) who is subject to corresponding requirements in England and Wales and removed from there will be received in Scotland.

(2) No such patient will be received in Scotland without the consent of the managers of the receiving hospital.

(3) The managers of the receiving hospital will consider a request for consent to the reception of such a patient where—

- (a) the request is made in pursuance of provisions having effect in England and Wales; and
- (b) the request contains the information set out in paragraph (4).

(4) The information referred to in paragraph (3) is—

- (a) the name and address of the patient;
- (b) the name and address of the patient’s nearest relative or primary carer, if any;
- (c) the type (or types) of mental disorder that the patient has (by reference to the appropriate paragraph (or paragraphs) of the definition of “mental disorder” in section 328(1) of the 2003 Act (meaning of “mental disorder”));
- (d) details of the corresponding requirements to which the patient is currently subject;
- (e) the date on which it is proposed that the transfer will take place; and
- (f) the address at which the patient when transferred is to reside in Scotland until such time as the patient is assessed by the responsible medical officer under regulation 25(1).

(5) The managers of the receiving hospital shall as soon as reasonably practicable—

- (a) consider the request; and
- (b) give notice to the appropriate national authority informing them whether they consent to the reception in Scotland of the patient.