
Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 5

CROSS-BORDER ARRANGEMENTS

PART 1

AMENDMENTS TO PART 6 OF 1983 ACT

Transfer of patients: Scotland

- 3 (1) After that section insert—

“80ZA Transfer of responsibility for community patients to Scotland

- (1) If it appears to the appropriate national authority, in the case of a community patient, that the conditions mentioned in subsection (2) below are met, the authority may authorise the transfer of responsibility for him to Scotland.
- (2) The conditions are—
- (a) a transfer under this section is in the patient's interests; and
 - (b) arrangements have been made for dealing with him under enactments in force in Scotland corresponding or similar to those relating to community patients in this Act.
- (3) The appropriate national authority may not act under subsection (1) above while the patient is recalled to hospital under section 17E above.
- (4) In this section, “the appropriate national authority” means—
- (a) in relation to a community patient in respect of whom the responsible hospital is in England, the Secretary of State;
 - (b) in relation to a community patient in respect of whom the responsible hospital is in Wales, the Welsh Ministers.”

- (2) This paragraph does not extend to Scotland.

Commencement Information

- II** Sch. 5 para. 3 not in force at Royal Assent see s. 56(1); Sch. 5 para. 3 in force at 3.11.2008 by S.I. 2008/1900, arts. 1(1), 2(n) (with art. 3, Sch.)

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