
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

Notification requirements: post assessment

41.—(1) Where a patient is received in Scotland the patient's responsible medical officer shall, within the appropriate period, prepare and send to the managers of the receiving hospital a report stating—

- (a) whether the relevant conditions apply in respect of the patient;
- (b) (by reference to appropriate paragraph (or paragraphs) of the definition of “mental disorder” in section 328(1) of the 2003 Act) the type (or types) of mental disorder that the patient has; and
- (c) whether it is necessary for the patient to be subject to the measures authorised by the 2003 Act or the 1995 Act to which the patient became treated as if they were subject by virtue of regulation 30.

(2) The managers of the receiving hospital shall within the appropriate period notify the parties listed in paragraph (3) of the following matters, where relevant—

- (a) the name and address of the sending hospital;
- (b) the name and address of the receiving hospital;
- (c) the date on which the transfer took place;
- (d) the name and other appropriate contact details of the patient's responsible medical officer;
- (e) whether following assessment carried out in accordance with regulation 36(2), the responsible medical officer is satisfied that the relevant conditions apply in respect of the patient;
- (f) whether it is necessary for the patient to be subject to the measures authorised by the 2003 Act or the 1995 Act to which the patient became treated as if they were subject by virtue of regulation 30;
- (g) the date on which authorisation of detention of the patient under the 2003 Act or, as the case may be, the 1995 Act ceased (whether by revocation or otherwise) or, will cease unless otherwise extended; and
- (h) where the patient is subject to a compulsory treatment order or, as the case may be, a compulsion order the period during which the next mandatory review of the order is to take place.

(3) The parties referred to in paragraph (2) are—

- (a) the patient;
 - (b) the patient's named person;
 - (c) the Commission;
 - (d) where the patient became treated as if they were subject to a compulsory treatment order or, as the case may be, a compulsion order, the Tribunal;
 - (e) where the patient became treated as if they were subject to an order or direction listed in paragraph (4), the Scottish Ministers; and
 - (f) the mental health officer designated under regulation 28.
- (4) The orders and directions mentioned in paragraph (3)(e) are—
- (a) a compulsion order and a restriction order;
 - (b) a hospital direction; or
 - (c) a transfer for treatment direction.
- (5) For the purposes of this regulation—
- (a) the “appropriate period” is as soon as practicable and in any event within 14 days of the date on which the patient was received in Scotland; and
 - (b) “relevant conditions” are the conditions set out in regulation 36(4).