
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

The Mental Health (Cross-border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Amendment Regulations 2017

PART 2

Amendments to the principal Regulations

CHAPTER 2

Amendments to Part 2 (Removal of patients from Scotland)

Amendment of regulation 9

11.—(1) Regulation 9 of the principal Regulations (notification of the decision) is amended as follows.

(2) For paragraph (1)(b) substitute—

“(aa) any other person named in accordance with regulation 7(2)(aa) in the application which led to the decision;”.

(3) For paragraph (2) substitute—

“(2) The notice under paragraph (1) to—

- (a) the patient; and
- (b) the patient’s named person (if the patient has one),

must advise the recipient of the right to appeal under regulation 13.

(3) In a case where the patient does not have a named person, the notice under paragraph (1) to—

- (a) the patient’s primary carer;
- (b) the patient’s nearest relative;
- (c) any guardian of the patient; and
- (d) any welfare attorney of the patient,

must advise the recipient that the recipient may have authority to initiate an appeal under regulation 13.

(4) If the application made to the Scottish Ministers under regulation 7 included a request of the kind mentioned in regulation 7A(1), the notice under paragraph (1) must state that the request was made.”.