
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 5

7.—(1) Regulation 5 of the principal Regulations (responsible medical officer: notification of proposed application) is amended as follows.

(2) In paragraph (1), for sub-paragraph (b) substitute—

“(b) either—

(i) the patient’s named person; or

(ii) if the patient does not have a named person—

(aa) the patient’s primary carer; and

(ab) the patient’s nearest relative (if the responsible medical officer knows who that is);”.

(3) For paragraph (2) substitute—

“(2) A notice under this regulation, other than the notice given to the mental health officer, is to invite the recipient of the notice to inform the Scottish Ministers, within 7 days of the day on which the notice is given, of any wishes or preferences that person has in relation to the proposal to remove the patient from Scotland.”.