
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 452

**The Mental Health (Care and Treatment) (Scotland) Act
2003 (Transitional and Savings Provisions) Order 2005**

PART 10

CROSS BORDER TRANSFERS

Removal and reception of patients

35.—(1) Where before 5th October 2005 the Scottish Ministers have given authority under section 77 of the 1984 Act for the removal of a patient to England and Wales or under section 81 of that Act for the removal of a patient to Northern Ireland, such authority and any directions given for conveyance of the patient shall continue in force until the patient has been conveyed to the destination.

(2) Where before 5th October 2005 the Scottish Ministers have authorised the removal of a patient under any of the provisions of Part 7 of the 1984 Act but not yet sent notification of that authorisation to the nearest relative of the patient, section 87(2) shall continue in force in respect of that patient.

(3) Where before 5th October 2005 the Scottish Ministers have consented to a request for a patient to be received in Scotland, such consent shall be deemed to have been given under section 290 of the 2003 Act.

(4) Where before 5th October 2005 a patient is admitted to a hospital in Scotland in pursuance of arrangements under Part 7 of the 1984 Act or under Part 6 of the Mental Health Act 1983⁽¹⁾ but the report of the responsible medical officer mentioned in section 88 of the 1984 Act has not yet been furnished to the managers of the hospital, that patient shall be treated as being subject to section 290 of the 2003 Act.

(5) Where before 5th October 2005 a warrant under section 83 of the 1984 Act has been issued authorising the removal of the patient, such warrant and any directions given for the conveyance of the patient shall continue to have effect until the patient has been conveyed to the destination.

⁽¹⁾ 1983 c. 20.