
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

Responsible medical officer's duty to revoke: interim compulsory treatment order, compulsory treatment order and compulsion order

38.—(1) This regulation applies in respect of a patient who has become treated as if they are subject to an interim compulsory treatment order, a compulsory treatment order or a compulsion order by virtue of regulation 30.

(2) If having carried out the assessment required by regulation 36(1) the patient's responsible medical officer is not satisfied that—

(a) the conditions mentioned in regulation 36(4)(c) continue to be met in respect of the patient;
or

(b) that it continues to be necessary for the patient to be subject to the order,

the responsible medical officer shall make a determination revoking the order.

(3) A determination under this regulation will be made as soon as practicable after the duty to make it arises.