

**2006 No. 11**

**MENTAL HEALTH**

**The Mental Health (Recall or Variation of Removal Order)  
(Scotland) Regulations 2006**

*Made* - - - - - *12th January 2006*

*Laid before the Scottish Parliament* *13th January 2006*

*Coming into force* *6th February 2006*

The Scottish Ministers, in exercise of the powers conferred by section 295(5)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Mental Health (Recall or Variation of Removal Order) (Scotland) Regulations 2006 and shall come into force on 6th February 2006.

**Person to be afforded the opportunity to be heard by sheriff**

2. The persons prescribed for the purposes of section 295(5)(b) (recall or variation or removal order) of the Mental Health (Care and Treatment) (Scotland) Act 2003 are—

- (a) the mental health officer who applied for the removal order to which the application for an order recalling or varying that order relates;
- (b) the nearest relative of the person;
- (c) any guardian of the person;
- (d) any welfare attorney of the person; and
- (e) any primary carer of the person.

*LEWIS MACDONALD*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
13th January 2006

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(a) 2003 asp 13. See section 329 for the definition of "regulations".

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the persons, other than the person who is the subject of a removal order to which an application relates, who are to be afforded an opportunity by a sheriff of making representations and of leading, or producing, evidence before an application for an order recalling or varying a removal order under section 295 of the Mental Health (Care and Treatment) (Scotland) Act 2003 is determined.

**£3.00**

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