

**2006 No. 172**

**MENTAL HEALTH**

**The Mental Health (Relevant Health Board for Patients  
Detained in Conditions of Excessive Security) (Scotland)  
Regulations 2006**

<i>Made</i> - - - -	<i>22nd March 2006</i>
<i>Laid before the Scottish Parliament</i>	<i>23rd March 2006</i>
<i>Coming into force</i> - -	<i>1st May 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 273 of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(a)</sup>, 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 (Relevant Health Board for Patients Detained in Conditions of Excessive Security) (Scotland) Regulations 2006 and shall come into force on 1st May 2006.

**Relevant Health Board**

2. For the purposes of Chapter 3 (detention in conditions of excessive security) of Part 17 (patient representation etc.) of the Mental Health (Care and Treatment) (Scotland) Act 2003, “relevant Health Board” means—

- (a) in relation to a patient who resided ordinarily in Scotland immediately before the making of the compulsory treatment order, compulsion order, hospital direction or transfer for treatment direction by which their detention in hospital is authorised, the Health Board which, immediately before that order or, as the case may be, direction was made, would have had the function in accordance with article 2(1)(a) of the Functions of Health Boards (Scotland) Order 1991<sup>(b)</sup> to provide for the health care of the patient; and

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<sup>(a)</sup> 2003 asp 13. See section 329 for the definition of “regulations”.  
<sup>(b)</sup> S.I. 1991/570.

- (b) in relation to a patient who did not reside ordinarily in Scotland immediately before the making of such an order or, as the case may be, direction by which their detention in hospital is authorised, the Health Board for the area in which the hospital where the patient is detained is situated.

*LEWIS MACDONALD*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
22nd March 2006

## **EXPLANATORY NOTE**

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

These Regulations provide for the determination of the Health Board which is, in relation to specified descriptions of patients, the relevant Health Board for the purposes of Chapter 3 of Part 17 of the Mental Health (Care and Treatment) (Scotland) Act 2003, which makes provision in relation to detention in conditions of excessive security in state and other hospitals.

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