

## **EXECUTIVE NOTE**

### **THE MENTAL HEALTH (RELEVANT HEALTH BOARD FOR PATIENTS DETAINED IN CONDITIONS OF EXCESSIVE SECURITY) (SCOTLAND) REGULATIONS 2006 S.S.I. 2006/172**

The above instrument was made in exercise of the powers conferred by section 273 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (the 2003 Act). The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

The 2003 Act makes provision for appeals by patients against being held in conditions of excessive security. Where the Tribunal makes an order under s264 or s268 that a patient is being held in conditions of excessive security the Act provides that the 'relevant Health Board' is the Health Board responsible for identifying a hospital which is not a state hospital which the Board (and Scottish Ministers where the patient is a relevant patient) and its managers, if they are not the Board, agree is a hospital in which the patient could be detained in appropriate conditions. These Regulations provide for who the relevant Health Board is to be. In the case of patients who ordinarily resided in Scotland before the order or direction under which they are detained was made, it will be the Health Board who would have been responsible for providing NHS services to the patient at that time. In the cases of other patients, it will be the Health Board for the area where the hospital in which the patient is detained is situated.

#### **Consultation**

No consultation has taken place. These regulations are consistent with existing legislation and guidance on establishing the Health Board responsible for an individual's care within the NHS in Scotland.

#### **Financial Effects**

The instrument has no financial effects on the Health Board as it is in line with current legislation and guidance.

Scottish Executive Health Department  
March 2006