
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 356

The Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008

PART II

REMOVAL OF PATIENTS FROM SCOTLAND

Information and factors to be considered by responsible medical officer in respect of a warrant for removal

5.—(1) The responsible medical officer shall, as soon as practicable after receiving the information required from the mental health officer under regulation 4(2)(b), decide whether to authorise the removal of the patient from Scotland.

(2) When deciding whether to authorise the removal of a patient from Scotland under this regulation, the responsible medical officer shall have regard to the following factors—

- (a) the best interests of the patient;
- (b) that the responsible clinician and responsible hospital in England or Wales are aware of any recorded matters specified in the patient's order;
- (c) the risk to the safety of any person; and
- (d) any views expressed by the mental health officer under regulation 4(2)(b),

and in any event may give authority for removal of the patient only if satisfied that there are in existence in England or Wales arrangements which will secure for the patient measures, treatment, care or services corresponding or similar to those to which the patient is subject or is receiving by virtue of the 2003 Act or, as the case may be, the 1995 Act.