
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 229

The Mental Health (Cross-border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Amendment Regulations 2017

PART 2

Amendments to the principal Regulations

CHAPTER 2

Amendments to Part 2 (Removal of patients from Scotland)

New regulation 7A

9. After regulation 7 of the principal Regulations insert—

“Application for fast-track removal with consent

7A.—(1) In an application under regulation 7 for a warrant, the responsible medical officer may request that the warrant authorise the patient’s removal from Scotland before the end of the standstill period.

(2) The responsible medical officer may make the request mentioned in paragraph (1) only if—

- (a) the place to which it is proposed the patient will go after being removed from Scotland is in—
 - (i) England;
 - (ii) Wales;
 - (iii) Northern Ireland;
 - (iv) any of the Channel Islands; or
 - (v) the Isle of Man;
- (b) the patient has given written consent to being removed before the end of the standstill period;
- (c) an approved medical practitioner, who is not the patient’s responsible medical officer, has certified that the patient is capable of giving that consent; and
- (d) the patient’s named person (if the patient has one) has given written consent to the patient being removed before the end of the standstill period.

(3) If the responsible medical officer intends to make the request mentioned in paragraph (1), the responsible medical officer must inform the Commission of that fact before making the application.

- (4) An application under regulation 7 which includes the request mentioned in paragraph (1) must—
- (a) state the date on which the responsible medical officer informed the Commission of the officer’s intention to make the request as required by paragraph (3); and
 - (b) be accompanied by a copy of the following documents—
 - (i) the written consent of the patient referred to in paragraph (2)(b);
 - (ii) the certificate referred to in paragraph (2)(c); and
 - (iii) if the patient has a named person, the written consent referred to in paragraph (2)(d).”.