



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART VII

REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM ETC.

Supplementary

86 Regulations for purposes of Part VII

Section 58 of this Act shall have effect as if references therein to Part V of this Act included references to this Part of this Act and to Part VI of the Mental Health Act 1983, so far as the said Parts apply to patients removed to Scotland thereunder.

87 General provisions as to patients removed from Scotland

- (1) Where a patient liable to be detained or subject to guardianship by virtue of an application, order or direction under Part V or Part VI of this Act is removed from Scotland in pursuance of arrangements under this Part of this Act, the application, order or direction shall cease to have effect when he is duly received into a hospital or other institution, or placed under guardianship, in pursuance of those arrangements.
- (2) The Secretary of State shall, where he authorises the removal from Scotland of a patient under any of the provisions of this Part of this Act, send notification of that authorisation to the Mental Welfare Commission and to the nearest relative of the patient not less than 7 days before the date of the removal of the patient.

88 Intimation of removal of patients to Scotland

- (1) Where a patient is admitted to a hospital in Scotland or received into guardianship there in pursuance of arrangements under this Part of this Act, or under Part VI of the Mental Health Act 1983, the responsible medical officer shall, within 28 days of such admission or reception as aforesaid, furnish to the managers of the hospital, or, as the case may be, the local authority concerned, a report in the prescribed form stating the form of mental disorder, being mental illness or mental handicap or both, from which,

Status: This is the original version (as it was originally enacted).

in the opinion of the responsible medical officer, the patient is suffering; and for the purposes of this Act the reason for his admission or reception as aforesaid, and for his being liable to detention or subject to guardianship, shall be that he is suffering from the form or forms of mental disorder so stated.

- (2) Where a patient has been admitted to a hospital or received into guardianship as aforesaid, the managers of the hospital or the local authority concerned, as the case may be, shall send notification to the Mental Welfare Commission of that admission or reception together with a copy of the report relating to the patient, made in pursuance of the last foregoing subsection, within 7 days of the receipt by them of that report.

89 Interpretation of Part VII

- (1) Where a patient is treated by virtue of this Part of this Act as if he had been removed to a hospital in Scotland in pursuance of a direction under Part VI of this Act, that direction shall be deemed to have been given on the date of his reception into the hospital.
- (2) In relation to a patient who has been received into guardianship in Scotland in pursuance of arrangements under this Part of this Act or under Part VI of the Mental Health Act 1959 or under Part VI of the Mental Health Act 1983, any reference in this Act to the local authority concerned shall be construed as a reference to the local authority for the place where he was received into guardianship as aforesaid.