

SCHEDULES

SCHEDULE 5

CROSS-BORDER ARRANGEMENTS

PART 1

AMENDMENTS TO PART 6 OF 1983 ACT

Transfer of patients: Scotland

3 (1) After that section insert—

“80ZA Transfer of responsibility for community patients to Scotland

- (1) If it appears to the appropriate national authority, in the case of a community patient, that the conditions mentioned in subsection (2) below are met, the authority may authorise the transfer of responsibility for him to Scotland.
- (2) The conditions are—
 - (a) a transfer under this section is in the patient’s interests; and
 - (b) arrangements have been made for dealing with him under enactments in force in Scotland corresponding or similar to those relating to community patients in this Act.
- (3) The appropriate national authority may not act under subsection (1) above while the patient is recalled to hospital under section 17E above.
- (4) In this section, “the appropriate national authority” means—
 - (a) in relation to a community patient in respect of whom the responsible hospital is in England, the Secretary of State;
 - (b) in relation to a community patient in respect of whom the responsible hospital is in Wales, the Welsh Ministers.”

(2) This paragraph does not extend to Scotland.