
STATUTORY INSTRUMENTS

2005 No. 2078

**The Mental Health (Care and Treatment) (Scotland)
Act 2003 (Consequential Provisions) Order 2005**

Transfer of patients to England and Wales from Scotland: conditional discharge

- 3.—(1) This article applies to any patient—
- (a) who is transferred under regulations made under section 290 of the 2003 Act; and
 - (b) who, before that transfer, was subject to—
 - (i) a restriction order; and
 - (ii) a conditional discharge under section 193(7) of the 2003 Act.
- (2) Where such a patient is so transferred, the patient shall be treated—
- (a) as if on the date of the transfer he had been conditionally discharged under the most closely corresponding enactment in force in England and Wales; and
 - (b) as if he were subject to a restriction order under the most closely corresponding enactment in force in England and Wales.
- (3) A patient to whom this article applies may only be transferred from Scotland to England and Wales with the consent of the Secretary of State.