
STATUTORY INSTRUMENTS

2008 No. 1184

**The Mental Health (Hospital, Guardianship
and Treatment) (England) Regulations 2008**

PART 2

**Procedures and Records Relating to Hospital Admissions,
Guardianship and Community Treatment Orders**

Assignment of responsibility for community patients

17.—(1) This regulation applies to a community patient whether or not the patient has been recalled to hospital in accordance with section 17E (power to recall to hospital).

(2) Responsibility for a patient referred to in paragraph (1) may be assigned by the managers of the responsible hospital to any other hospital whether or not that other hospital is under the same management as the responsible hospital.

(3) Responsibility for a patient shall not be assigned to a hospital which is not under the same management as the responsible hospital unless—

- (a) an authority for the assignment is given by the managers of the assigning responsible hospital in the form set out in Part 1 of Form CTO10;
- (b) that transfer has been agreed by the managers of the hospital which will be the responsible hospital if the proposed transfer takes effect;
- (c) the managers of the hospital referred to in (b) have specified the date on which the transfer shall take place;
- (d) the managers of the assigning responsible hospital record—
 - (i) the agreement of the managers of the new responsible hospital to the assignment, and
 - (ii) the date on which the assignment is to take place,

in the form set out in that Form.

(4) The managers of the receiving hospital must notify the patient in writing of—

- (a) the assignment, either before it takes place or as soon as reasonably practicable thereafter; and
- (b) their name and address (irrespective of whether or not there are any changes in the managers).

(5) Where responsibility for a patient is assigned from a responsible registered establishment to another hospital which is not under the same management and the patient is maintained under a contract with a Strategic Health Authority, Local Health Board, Primary Care Trust, National Health Service trust, National Health Service foundation trust, a Special Health Authority or the Welsh Ministers, any authority for transfer required under paragraph (3)(a), and the record required under paragraph (3)(b), may be given by an officer of that authority, board or trust authorised by it in that behalf, or by those Ministers, instead of by the managers.

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(6) Any hospital to which a patient has been assigned may, in accordance with the provisions of this regulation, assign the patient to another hospital.

(7) The functions of the managers referred to in this regulation may be performed by an officer authorised by them in that behalf.