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WELSH STATUTORY INSTRUMENTS

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**2008 No. 2439**

**The Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008**

**PART 5**

Transfer and Conveyance

**Transfer of recalled patients to hospital**

**26.**—(1) This regulation applies in respect of any patient who is for the time being recalled from a community treatment order under section 17E.

(2) Where the hospital to which the patient has been recalled and the hospital to which the patient is being transferred are not under the same management, a transfer may only take place if the requirements in paragraphs (3) to (5) are satisfied.

(3) Subject to paragraph (5), a patient referred to in paragraph (1) may be transferred to another hospital where—

- (a) an authority for transfer in the form set out in Part 1 of Form TC 6 is given by the managers of the hospital in which the patient is detained prior to transfer, and
- (b) those managers are satisfied that arrangements have been made for the admission of the patient to the hospital to which it is proposed that he or she is to be transferred.

(4) On the transfer of that patient, the managers of the hospital to which he or she is transferred must record the patient's admission in the form set out in Part 2 of Form TC 6.

(5) The managers of the hospital from which the patient is being transferred must furnish the managers of the hospital to which the patient is being transferred with a copy of Form CP 6 (record of patient's detention in hospital after recall) before, or at the time of, the patient's transfer.

(6) Where—

- (a) a patient has been recalled to a hospital which is a registered establishment; and
- (b) that patient is maintained under a contract with a National Health Service Trust, Local Health Board, Strategic Health Authority, Primary Care Trust, NHS Foundation Trust, Special Health Authority or the Welsh Ministers,

any authority for transfer required under paragraph (3) may be given by an duly authorised officer of that trust, board or authority, or by the Welsh Ministers, instead of the managers.

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