

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 18 – Miscellaneous**

##### **Cross-border transfers**

##### *Sections 289 and 290: cross-border transfer of patients*

572. [Sections 289](#) and [290](#), which have both been subject to minor modifications by the 2004 Order enable the Scottish Ministers to make regulations in relation to the transfer of patients to and from Scotland. Section 289 relates to patients subject to a community-based compulsory treatment order or compulsion order while section 290 provides for patients who are detained compulsorily in hospital. Regulations may make provision for such patients to move between different parts of the UK, and for patients being treated for mental disorder (whether or not subject to measures authorised by the 2003 Act or the 1995 Act) to be removed from the United Kingdom.
573. Any removal from Scotland will require the consent of the Scottish Ministers and will be subject to a right of appeal by the patient.
574. Patients will only be received in Scotland with the consent of the Scottish Ministers.