
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 467

The Mental Health (Cross border transfer:
patients subject to detention requirement or
otherwise in hospital) (Scotland) Regulations 2005

PART II

REMOVAL OF PATIENTS FROM SCOTLAND

Appeals to the sheriff principal and Court of Session against certain decisions

14.—(1) Subject to the modifications in paragraphs (2) and (3), where the patient is subject to—

- (a) a short term detention certificate;
- (b) an interim compulsory treatment order;
- (c) a compulsory treatment order; or
- (d) a compulsion order without a restriction order,

sections 320 and 321 of the 2003 Act apply to decisions of the Tribunal to make or refuse to make an order under regulation 12(2) as they apply to decisions of the Tribunal to make or refuse to make such an order under section 125(5) or 126(5) of the 2003 Act.

(2) In section 320(5)—

- (a) omit paragraphs (b) to (d); and
- (b) at the end insert “the Scottish Ministers.”.

(3) In section 321(2) after the words “this Act”, add “as modified by the Mental Health (Cross border transfer: patients subject to detention requirement or otherwise in hospital) (Scotland) Regulations 2005.”.