



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART VII

REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM ETC.

Removal to and from England and Wales

77 Removal of patients to England and Wales

- (1) If it appears to the Secretary of State, in the case of a patient who is for the time being liable to be detained or subject to guardianship under this Act, that it is in the interests of the patient to remove him to England and Wales, and that arrangements have been made for admitting him to a hospital or, as the case may be, for receiving him into guardianship there, the Secretary of State may authorise his removal to England and Wales and may give any necessary directions for his conveyance to his destination.
- (2) Where a patient who is liable to be detained under this Act by virtue of an application, order or direction under any enactment in force in Scotland is removed under this section and admitted to a hospital in England and Wales, he shall be treated as if on the date of his admission he had been so admitted in pursuance of an application made, or an order or direction made or given, on that date under the corresponding enactment in force in England and Wales, and, where he is subject to an order or direction under any enactment in this Act restricting his discharge, as if he were subject to an order or direction under the corresponding enactment in force in England and Wales.
- (3) Where a patient who is subject to guardianship under this Act by virtue of an application or order under any enactment in force in Scotland is removed under this section and received into guardianship in England and Wales, he shall be treated as if on the date on which he arrives at the place where he is to reside he had been so received in pursuance of an application or order under the corresponding enactment in force in England and Wales and as if the application had been accepted or, as the case may be, the order had been made on that date.
- (4) Where a patient removed under this section was immediately before his removal liable to be detained under this Act by virtue of a transfer direction given while he was

Status: This is the original version (as it was originally enacted).

serving a sentence of imprisonment (within the meaning of section 71(7) of this Act) imposed by a court in Scotland, he shall be treated as if the sentence had been imposed by a court in England and Wales.

- (5) Where a person so removed as aforesaid was immediately before his removal subject to a restriction order or a restriction direction, being an order or direction of limited duration, the restriction order or restriction direction to which he is subject by virtue of subsection (2) of this section shall expire on the date on which the first-mentioned order or direction would have expired if he had not been so removed.
- (6) In this section references to a hospital in England and Wales shall be construed as references to a hospital within the meaning of Part II of the Mental Health Act 1983.