SCOTTISH STATUTORY INSTRUMENTS

2005 No. 206

MENTAL HEALTH

The Mental Health (Provision of Information to Patients) (Prescribed Times) (Scotland) Regulations 2005

Made - - - -	*4th April 2005*
Laid before the Scottish Parliament - - - -	*7th April 2005*
Coming into force - -	*5th October 2005*

The Scottish Ministers, in exercise of the powers conferred by section 260(3)(c) of the Mental Health (Care and Treatment) (Scotland) Act 2003(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mental Health (Provision of Information to Patients) (Prescribed Times) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

(2) In these Regulations any reference to a numbered section is a reference to the section bearing that number in the Mental Health (Care and Treatment) (Scotland) Act 2003.

Prescribed times

2. The times prescribed for the purposes of section 260(3)(c) (times other than those specified when the managers of a hospital must take all reasonable steps to ensure that the patient understands certain matters etc) are as soon as practicable after–

(a) the making of a determination by a responsible medical officer under section 86(1) (determination extending compulsory treatment order);

(b) the making of an order by the Tribunal under section 102(1)(d) (confirmation of determination and variation of compulsory treatment order);

(c) the making of an order by the Tribunal under–

(i) section 103(1)(a) (extension and variation of compulsory treatment order);

(ii) section 103(1)(b) (extension of compulsory treatment order);

(**1**) 2003 asp 13.

(iii) section 103(2)(d) (confirmation of determination and variation of compulsory treatment order);

(iv) section 103(3)(b) (variation of compulsory treatment order); or

(v) section 103(4)(a) (variation of compulsory treatment order);

(d) the making of an order by the Tribunal under section 104(1)(a) (variation of compulsory treatment order);

(e) the making of an interim order by the Tribunal under section 105(2) (extension, or extension and variation, of compulsory treatment order);

(f) the making of an interim order by the Tribunal under section 106(2) (variation of compulsory treatment order);

(g) the grant of a certificate by the responsible medical officer under–

(i) section 114(2)(**2**) (continued detention in hospital for 28 days); or

(ii) section 115(2) (authorisation of continued detention in hospital until expiry of authority in order);

(h) the giving of notice by the managers of a hospital under–

(i) section 124(4)(**3**) or 124(6)(a) (notice of proposed transfer to another hospital); or

(ii) section 124(6)(b) (notice of transfer to another hospital having taken place);

(i) the grant of a certificate by a responsible medical officer under section 127(1)(b)(**4**) (suspension of a requirement that a patient be detained in hospital) suspending for more than 28 days a measure specified in a compulsory treatment order or a relevant compulsion order;

(j) the grant of a certificate by a responsible medical officer under section 128(1)(b)(**5**) (suspension of other measures) suspending for more than 28 days other measures specified in a compulsory treatment order or a relevant compulsion order;

(k) the revocation of a certificate by a responsible medical officer under section 129(2)(**6**) (revocation of certificate suspending measure in compulsory treatment order or a relevant compulsion order);

(l) the making of a determination by a responsible medical officer under section 152(2) (extension of compulsion order);

(m) the making of an order by the Tribunal under section 166(1)(d) (confirmation of determination and variation of compulsion order);

(n) the making of an order by the Tribunal under–

(i) section 167(1)(a) (extension of compulsion order);

(ii) section 167(2)(a) (extension and variation of compulsion order);

(iii) section 167(2)(b) (extension of compulsion order);

(iv) section 167(3)(d) (confirmation of determination and variation of compulsion order);

(v) section 167(4)(b) (variation of compulsion order); or

(vi) section 167(5)(a) (variation of compulsion order);

(**2**) Section 114 is applied to a patient subject to a relevant compulsion order by section 177(2).
(**3**) Section 124 is applied to a patient whose detention in hospital is authorised by a relevant compulsion order by section 178.
(**4**) Section 127 is applied to a patient subject to a relevant compulsion order by section 179(1).
(**5**) Section 128 is applied to a patient subject to a relevant compulsion order by section 179(2).
(**6**) Section 129 is applied to a patient subject to a relevant compulsion order by section 179(3).