

MENTAL HEALTH ACT 1983: CROSS BORDER PATIENT TRANSFER ARRANGEMENTS

The Mental Health Act 1983 (“the Act”) permits some patients who come under its provisions to be transferred to Scotland, Northern Ireland, the Channel Islands and the Isle of Man. It states that a hospital in England must obtain the authorisation of the Secretary of State for Health before it can transfer such a patient to a location in one of these jurisdictions.

Non-restricted Detained Patients

The following proforma should be used to apply for the Secretary of State’s authorisation of the transfers of non-restricted patients who are detained under the MHA. It is available in Word format so that the columns can be extended if necessary.

For transfers between hospitals in England or from a hospital in England to one in Wales, the Secretary of State for Health’s approval is not required.

Restricted Detained Patients

Patients who are subject to restrictions under Part 3 of the MHA are the responsibility of the Secretary of State for Justice.

Patients on Supervised Community Treatment (SCT)

Supervised Community Treatment (SCT) was introduced in England and Wales on 3 November 2008. The MHA permits the transfer of SCT patients from England to Scotland where they can continue to receive community based treatment under equivalent provisions in Scotland.

The following proforma should be used to apply for the Secretary of State’s authorisation of the transfers of SCT patients. It is similarly available in Word format so that the columns can be extended if necessary.

Contact details are on the respective proformas and application form.