

Recent Mental Health Legislation

THE MENTAL HEALTH (SCOTLAND) ACT

- [The Mental Health \(Scotland\) Act 2015](#)
- [Explanatory Notes to the Mental Health \(Scotland\) Act 2015](#)
- [Policy Memorandum](#)

1. Cross-border transfer and cross-border visits regulations

- [The Mental Health \(Cross-border transfer: patients subject to detention requirement or otherwise in hospital\) \(Scotland\) Amendment Regulations 2017](#) [SSI 2017/229] & [Policy Note](#)
- [The Mental Health \(Cross-border transfer: patients subject to requirements other than detention\) \(Scotland\) Regulations 2017](#) [SSI 2017/232] & [Policy Note](#)
- [The Mental Health \(Cross-border Visits\) \(Scotland\) Amendment Regulations 2017](#) [SSI 2017/230] & [Policy Note](#)

2. Conflict of interest regulations

- [The Mental Health \(Conflict of Interest\) \(Scotland\) Regulations 2017](#) [SSI 2017/174] & [Policy Note](#)

3. Practice and Procedure Rules

- [The Mental Health Tribunal for Scotland \(Practice and Procedure\) \(No. 2\) Amendment Rules 2017](#) [SSI 2017/172] & [Policy Note](#)

4. Other new mental health regulations

- [The Mental Health \(Patient Representation\) \(Prescribed Persons\) \(Scotland\) Regulations 2017](#) [SSI 2017/175]
- [The Mental Health \(Certificates for Medical Treatment\) \(Scotland\) Regulations 2017](#) [SSI 2017/176]

5. Excessive security regulations

- [Mental Health \(Detention in Conditions of Excessive Security\) \(Scotland\) Regulations 2015](#) [SSI 2015/364] & [Policy +Note](#)

6. Commencement Orders to the Mental Health (Scotland) Act 2015

- [Mental Health \(Scotland\) Act 2015 \(Commencement No. 1. Transitional and Saving Provisions\) Order 2015](#) [SSI 2015/361] & [Policy Note](#)
- [The Mental Health \(Scotland\) Act 2015 \(Commencement No. 2\) Order 2015](#) [SSI 2015/417] & [Policy Note](#)
- [Mental Health \(Scotland\) Act 2015 \(Commencement No. 3\) Order 2017](#) [SSI 2017/126]
- [The Mental Health \(Scotland\) Act 2015 \(Commencement No. 4 and Transitional and Savings Provisions\) Order 2017](#) [SSI 2017/197] & [Policy Note](#)
- [The Mental Health \(Scotland\) Act 2015 \(Commencement No. 5 and Transitional Provisions\) Order 2017](#) [SSI 2017/234] & [Policy Note](#) – came into force 30.09.17

Links to useful information / guidance on the Scottish Government's website in relation to the new secondary mental health legislation and the implementation of the Mental Health (Scotland) Act 2015

1. Mental Health (Scotland) Act 2015 - implementation and secondary legislation

- <http://www.gov.scot/Topics/Health/Services/Mental-Health/Law/2015-act-regulations>

2. Mental Health (Scotland) Act 2015 - Key provisions

- <http://www.gov.scot/Topics/Health/Services/Mental-Health/Law/2015Act-provisions>
- [Information on the 2015 Act for practitioner groups:](#)
 - Individuals, carers and families
 - Mental health officers
 - Responsible medical officers
 - Nursing staff
 - mental health act administrators and medical records staff
 - organisations and hospital managers

4. Mental Health (Scotland) Act 2015 - transitional provisions (including named persons)

- [Guide to transitional provisions for the 2015 Act](#)
- [Guide to transitional provisions for named persons – flowchart](#)

5. Cross-border transfer and cross-border visits regulations

- [Scottish Government interim guidance on cross-border transfer regulations](#)

6. Mental Health (Detention in Conditions of Excessive Security) (Scotland) Regulations 2015 and related secondary legislation

- [Scottish Government Guidance re Excessive Security legislation](#)
- [Updated excessive security forms](#)