## MENTAL HEALTH (SCOTLAND) ACT 2015

## **EXPLANATORY NOTES**

## THE STRUCTURE & A SUMMARY OF THE ACT

Part Two - Criminal Cases

Section 47: Specification of Unit

## New section 61B

- 131. Section 47 of the Act inserts section 61B into the 1995 Act. It provides that any reference to a hospital in Part VI of the 1995 Act may be read as a reference to a hospital unit, where a "hospital unit" means any part of a hospital which is treated as a separate unit. The effect is that any order or direction which may already be made under Part VI of the 1995 Act authorising the detention of a person or patient in a specified hospital, may be made authorising detention in a specified hospital unit. This relates to assessment orders, treatment orders, interim compulsion orders, temporary compulsion orders, compulsion orders, and transfer for treatment directions.
- 132. Section 47 also makes provision as to how section 61A of the 1995 Act (inserted by section 46 of the Act) is to apply in relation to a transfer from one hospital unit to another within the same hospital. The effect is that persons subject to assessment orders, treatment orders and interim compulsion orders will be able to be transferred to another hospital unit, where the order in question specifies the hospital unit in which the person is to be detained. The conditions for transfer set out in section 61A reflect that the transfer is within a single hospital.