



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 2

#### CRIMINAL CASES

##### *Specification of hospital units*

#### **48 Transfer from specified unit**

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) After section 218 there is inserted—

##### **“218A Transfer of patient from specified hospital unit**

- (1) Subsection (2) below applies where—
  - (a) a patient is subject to—
    - (i) a compulsion order and a restriction order,
    - (ii) a hospital direction, or
    - (iii) a transfer for treatment direction, and
  - (b) that order or (as the case may be) direction specifies the hospital unit in which the patient is to be detained.
- (2) If the condition in subsection (3) below is satisfied, the managers of the hospital in which the patient is detained may transfer the patient to another hospital unit within the same hospital.
- (3) The condition is that the Scottish Ministers consent to the transfer.
- (4) In relation to a transfer or proposed transfer under subsection (2) above, section 218(4) to (14) of this Act applies subject to the following modifications—
  - (a) a reference to section 218(2) is to be read as a reference to subsection (2) above,
  - (b) in subsection (10)(a), a reference to section 218(3) is to be read as a reference to subsection (3) above,

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*Status: This is the original version (as it was originally enacted).*

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- (c) in subsection (12), a reference to the hospital from which the patient is transferred is to be read as a reference to the hospital in which the patient is detained,
  - (d) in subsections (13)(b) and (14), a reference to the hospital to which the patient is transferred is to be read as a reference to the hospital unit to which the patient is transferred.
- (5) For the purposes of this section, “hospital unit” means any part of a hospital which is treated as a separate unit.”.