

MENTAL HEALTH (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE & A SUMMARY OF THE ACT

Part One – the 2003 Act

Section 34: Agreement to transfer of prisoners

103. Where a person who is serving a sentence of imprisonment has a mental disorder requiring treatment, section 136 of the 2003 Act allows for that person to be transferred from prison to a specified hospital under a transfer for treatment direction (TTD). Section 34 of the Act amends section 136 to provide that such a TTD may only be made if a mental health officer has agreed to the making of the direction, unless it is impracticable to obtain such agreement.