



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 1

#### THE 2003 ACT

##### *Arrangements for treatment of prisoners*

#### **34 Agreement to transfer of prisoners**

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In section 136 (transfer of prisoners for treatment for mental disorder), after paragraph (a) of subsection (3) there is inserted—
  - “(aa) that—
    - (i) a mental health officer has agreed to the making of the direction, or
    - (ii) it has been impracticable to obtain the agreement of a mental health officer;”.

#### **Commencement Information**

**II** S. 34 in force at 30.6.2017 by [S.S.I. 2017/197](#), art. 2, [sch.](#)

#### **35 Compulsory treatment of prisoners**

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In schedule 2 (the Mental Health Tribunal for Scotland), in paragraph 7—
  - (a) in sub-paragraph (4), for the words “(other than proceedings relating solely to an application under section 255 or 256 of this Act)” there is substituted “(other than excepted proceedings)”,
  - (b) after sub-paragraph (4) there is inserted—

“(4A) For the purpose of sub-paragraph (4) above, the following are excepted proceedings—

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**Changes to legislation:** There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Cross Heading: Arrangements for treatment of prisoners. (See end of Document for details)

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- (a) proceedings relating solely to an application under section 255 or 256 of this Act, or
  - (b) proceedings relating to an application for a compulsory treatment order in respect of a patient subject to—
    - (i) a hospital direction, or
    - (ii) a transfer for treatment direction.”.
- (3) In schedule 3 (application of Chapter 1 of Part 7 to certain patients), after paragraph 1 there is inserted—

“1A In the case of a patient subject to a hospital direction or a transfer for treatment direction, section 60(1) of this Act shall have effect as if, after paragraph (b), there were inserted—

“(ba) to the Scottish Ministers;””

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**Commencement Information**

**I2** S. 35 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch. (with art. 17)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015,  
Cross Heading: Arrangements for treatment of prisoners.