
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 452

**The Mental Health (Care and Treatment) (Scotland) Act
2003 (Transitional and Savings Provisions) Order 2005**

PART 3

PATIENTS DETAINED UNDER A HOSPITAL ORDER

Deemed compulsion order

9.—(1) A 1995 Act patient shall be treated as if that patient was subject to a compulsion order made under section 57A(2) of the 1995 Act.

(2) The deemed compulsion order—

- (a) authorises the measures mentioned in section 57A(8)(a) and (b) of the 1995 Act for the remaining period of time for which there was authority for the detention of the patient under the hospital order;
- (b) is deemed to specify the form of mental disorder specified in the hospital order under which the patient was detained, except that the form of mental disorder specified by the deemed compulsion order is—
 - (i) learning disability where the form of mental disorder specified in the hospital order is mental handicap; and
 - (ii) personality disorder where the form of mental disorder specified in the hospital order is mental illness consisting of personality disorder; and
- (c) is deemed to specify the hospital in which the patient is detained immediately before 5th October 2005 or, if the patient has not yet been admitted to hospital, is deemed to specify the hospital specified in the hospital order.

(3) The authority conferred by section 60(1)(a) of the 1984 Act shall continue to have effect in respect of any 1995 Act patient until that patient has been conveyed to hospital.

(4) Any directions given before 5th October 2005 under section 58(9) of the 1995 Act shall continue to have effect until the patient has been admitted to hospital.

(5) For the purposes of section 57D(1) of the 1995 Act a compulsion order shall be deemed to have been made when the hospital order under which the patient was detained was made.