

*These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

# **MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 12 - Parts 10 and 11: Transfers**

##### ***Section 219: appeal to Tribunal against transfer under section 218 to hospital other than state hospital***

397. **Section 219** provides for an appeal to the Tribunal by the patient or the patient's named person against a transfer to a hospital other than the state hospital. The appeal must be made within a time limit set out in subsection (3). Which time limit applies depends on whether the appeal is by the patient or the named person and on whether (and, if so, when) notice is given.
398. Where an appeal has been lodged with the Tribunal in advance of the transfer taking place, the transfer may not take place except where the Tribunal orders that it should do so, pending the outcome of the appeal.
399. When dealing with an appeal the Tribunal has power to order that the patient be transferred back to the original hospital.