



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 12

PARTS 10 AND 11: TRANSFERS

[^{F1}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,
 - (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.

Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Section 218A is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (5) For the purposes of this section, “hospital unit” means any part of a hospital which is treated as a separate unit.]

Textual Amendments

- F1** [S. 218A](#) inserted (30.6.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), ss. **48(2)**, 61(2); S.S.I. 2017/197, art. 2, sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)