



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;”.

Annotations:

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—

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)

- (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—

- (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;”.”

Annotations:

Commencement Information

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