



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 1

#### THE 2003 ACT

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

#### **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—

    - (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;””