



Mental Health (Scotland) Act 2015

2015 asp 9

PART 2

CRIMINAL CASES

Variation of certain orders

46 Transfer of patient to suitable hospital

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) The italic heading immediately preceding section 61 becomes “ *Miscellaneous provision* ”.
- (3) After section 61 there is inserted—

“61A Transfer of person to suitable hospital

- (1) Subsection (2) below applies in relation to a person who is subject to—
 - (a) an assessment order,
 - (b) a treatment order,
 - (c) an interim compulsion order, or
 - (d) a temporary compulsion order (see section 54(1)(c) of this Act).
- (2) The person's responsible medical officer may transfer the person from the specified hospital to another hospital.
- (3) The responsible medical officer may transfer the person only if satisfied that, for the purpose for which the order in question is made—
 - (a) the specified hospital is not suitable, and
 - (b) the other hospital is suitable.
- (4) In considering the suitability of each hospital, the responsible medical officer is to have particular regard to the specific requirements and needs in the person's case.

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 46. (See end of Document for details)

- (5) As far before the transfer as practicable, the responsible medical officer must—
- (a) inform the person of the reason for the transfer,
 - (b) notify the managers of the specified hospital, and
 - (c) obtain the consent of—
 - (i) the managers of the other hospital, and
 - (ii) the Scottish Ministers.
- (6) As soon after the transfer as practicable, the responsible medical officer must notify—
- (a) any solicitor known by the officer to be acting for the person, and
 - (b) the court which made the order in question.
- (7) A person may be transferred under subsection (2) above only once with respect to the order in question.
- (8) Where a person is transferred under subsection (2) above, the order in question has effect as if the other hospital were the specified hospital.
- (9) In this section—
- “managers” has the meaning given by section 329(1) of the Mental Health (Treatment and Care) Scotland) Act 2003,
 - “responsible medical officer” has the meaning given by section 329(4) of that Act,
 - “specified hospital” means hospital to which the person is admitted by virtue of the order in question.”.

Commencement Information

II S. 46 in force at 30.6.2017 by [S.S.I. 2017/197](#), art. 2, [sch.](#)

Changes to legislation:

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