



Mental Health (Scotland) Act 2015

2015 asp 9

PART 1

THE 2003 ACT

Suspension of orders and measures

9 Suspension of detention for certain purposes

(1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

(2) In section 127 (suspension of measure authorising detention)—

- (a) in subsection (1), the words “not exceeding 6 months” are repealed,
- (b) after subsection (1) there is inserted—

“(1A) A certificate under subsection (1) above may specify—

- (a) a single period not exceeding 200 days, or
- (b) a series of more than one individual period falling within a particular 6 month period.”,

(c) after subsection (3) there is inserted—

“(3A) A certificate under subsection (3) above may specify—

- (a) a single period, or
- (b) a series of more than one individual period.”,

(d) subsection (4) is repealed,

(e) after subsection (4) there is inserted—

“(4A) The purpose for which a certificate under subsection (1) or (3) above is granted must be recorded in the certificate.”.

(3) In section 221 (assessment order: suspension of measure authorising detention)—

(a) after subsection (2) there is inserted—

“(2A) A certificate under subsection (2) above may specify—

- (a) a single period, or
- (b) a series of more than one individual period.”,

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 9. (See end of Document for details)

(b) after subsection (3) there is inserted—

“(3A) Subsection (3) above does not require the consent of the Scottish Ministers if the granting of the certificate is for the purpose of enabling the patient to—

(a) attend a hearing in criminal proceedings against the patient,
or

(b) meet a medical or dental appointment made for the patient.”,

(c) subsection (4) is repealed,

(d) after subsection (4) there is inserted—

“(4A) The purpose for which a certificate under subsection (2) above is granted must be recorded in the certificate.”.

(4) In section 224 (patients subject to certain other orders and directions: suspension of measure authorising detention)—

(a) in subsection (1), after paragraph (b) there is inserted—

“(ba) a temporary compulsion order;”,

(b) in subsection (2), the words “not exceeding 3 months” are repealed,

(c) after subsection (2) there is inserted—

“(2A) A certificate under subsection (2) above may specify—

(a) a single period not exceeding 90 days, or

(b) a series of more than one individual period falling within a particular 3 month period.”,

(d) after subsection (3) there is inserted—

“(3A) In the case of a treatment order, an interim compulsion order or a temporary compulsion order, subsection (3) above does not require the consent of the Scottish Ministers if the granting of the certificate is for the purpose of enabling the patient to—

(a) attend a hearing in criminal proceedings against the patient,
or

(b) meet a medical or dental appointment made for the patient.”,

(e) subsection (5) is repealed,

(f) after subsection (5) there is inserted—

“(5A) The purpose for which a certificate under subsection (2) above is granted must be recorded in the certificate.”.

Commencement Information

II S. 9 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch.

Changes to legislation:

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 9.