



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 1

#### THE 2003 ACT

##### *Removal and detention of patients*

#### **19 Notifying decisions on removal orders**

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) After section 295 there is inserted—

##### **“295A Notification of decision under section 293 or 295**

- (1) Subsection (2) below applies in relation to a decision of a sheriff or a justice of the peace under section 293 of this Act making, or refusing to make, a removal order.
- (2) As soon as practicable after the decision is made, the mental health officer who made the application for the removal order must notify the Commission of the decision.
- (3) Subsection (4) below applies in relation to a decision of a sheriff under section 295 of this Act making, or refusing to make, an order recalling or varying a removal order.
- (4) As soon as practicable after the decision is made, the mental health officer specified in the removal order must notify the Commission of—
  - (a) the decision, and
  - (b) any additional order made under subsection (6) of section 295 of this Act.”.

#### **Commencement Information**

**II** S. 19 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch. (with art. 10)

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Cross Heading: Removal and detention of patients. (See end of Document for details)*

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## 20 Detention pending medical examination

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In section 299 (nurse's power to detain pending medical examination)—
  - (a) in subsection (2)—
    - (i) paragraph (b) is repealed together with the word “and” immediately preceding it,
    - (ii) in the text following paragraph (b), for the words from “, subject” to the end there is substituted “ be detained in the hospital for a period not exceeding 3 hours (“holding period”) for the purpose of enabling the carrying out of a medical examination of the patient by a medical practitioner ”,
  - (b) in paragraph (c) of subsection (3), for the words “to carry out a medical examination of the patient” there is substituted “ for a medical examination of the patient to be carried out by a medical practitioner ”,
  - (c) subsection (4) is repealed.

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### Commencement Information

**I2** S. 20 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch. (with art. 11)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015,  
Cross Heading: Removal and detention of patients.