



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 1

#### THE 2003 ACT

##### *Specification of hospital units*

#### **11 Specification for detention measures**

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In section 36 (emergency detention in hospital), after subsection (12) there is inserted—
  - “(13) A reference in this section to a hospital may be read as a reference to a hospital unit.
  - (14) For the purpose of subsection (13) above, “hospital unit” means any part of a hospital which is treated as a separate unit.”
- (3) In section 44 (short-term detention in hospital), after subsection (11) there is inserted—
  - “(12) In this section and sections 46 to 49 of this Act, a reference to a hospital may be read as a reference to a hospital unit.
  - (13) For the purposes of subsection (12) above, “hospital unit” means any part of a hospital which is treated as a separate unit.”
- (4) After section 71 there is inserted—

#### **“71A Compulsory treatment in hospital unit**

- (1) In sections 62 to 68 of this Act, a reference to a hospital may be read as a reference to a hospital unit.
- (2) For the purposes of subsection (1) above, “hospital unit” means any part of a hospital which is treated as a separate unit.”

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

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**Commencement Information**

**II** S. 11 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch.

**12 Transfer of prisoner to hospital unit**

- (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 subsection (10) there is inserted—
  - “(11) A reference in this section to a hospital may be read as a reference to a hospital unit.
  - (12) For the purpose of subsection (11) above, “hospital unit” means any part of a hospital which is treated as a separate unit.”.

**Commencement Information**

**I2** S. 12 in force at 30.6.2017 by S.S.I. 2017/197, art. 2, sch.

**13 Transfer from specified unit**

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) After section 124 there is inserted—

**“124A Transfer to other hospital unit**

- (1) Subsection (2) below applies where—
  - (a) the detention of a patient in hospital is authorised by—
    - (i) a compulsory treatment order, or
    - (ii) an interim compulsory treatment order, and
  - (b) that order specifies the hospital unit in which the patient is to be detained.
- (2) The managers of the hospital in which the patient is detained may transfer the patient to another hospital unit within the same hospital.
- (3) In relation to a transfer or proposed transfer under subsection (2) above, section 124(4) to (14) of this Act applies subject to the following modifications—
  - (a) a reference to section 124(2) is to be read as a reference to subsection (2) above,
  - (b) subsection (10)(a) is to be ignored,
  - (c) in subsection (12), a reference to the hospital from which the patient is transferred is to be read as a reference to the hospital in which the patient is detained,
  - (d) in subsections (13)(b) and (14), a reference to the hospital to which the patient is transferred is to be read as a reference to the hospital unit to which the patient is transferred.

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

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(4) For the purposes of this section, “hospital unit” means any part of a hospital which is treated as a separate unit.”.

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**Commencement Information**

**I3** S. 13 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,  
Cross Heading: Specification of hospital units.