



Mental Health (Scotland) Act 2015

2015 asp 9

PART 2

CRIMINAL CASES

Specification of hospital units

47 Specification of unit

- (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) After section 61 there is inserted—

“61B Specification of hospital unit

- (1) A reference in this Part to a hospital may be read as a reference to a hospital unit.
- (2) In the operation of section 61A of this Act in relation to a transfer from one hospital unit to another within the same hospital—
 - (a) subsection (2) of that section applies by virtue of subsection (1) of that section where the order in question specifies the hospital unit in which the person is to be detained,
 - (b) in subsection (5) of that section—
 - (i) paragraph (b) is to be ignored,
 - (ii) in paragraph (c)(i), the reference to the managers of the other hospital is to be read as a reference to the managers of the hospital in which the person is detained.
- (3) For the purposes of this section, “hospital unit” means any part of a hospital which is treated as a separate unit.”.

48 Transfer from specified unit

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) After section 218 there is inserted—

“218A Transfer of patient from specified hospital unit

- (1) Subsection (2) below applies where—
 - (a) a patient is subject to—
 - (i) a compulsion order and a restriction order,
 - (ii) a hospital direction, or
 - (iii) a transfer for treatment direction, and
 - (b) that order or (as the case may be) direction specifies the hospital unit in which the patient is to be detained.
- (2) If the condition in subsection (3) below is satisfied, the managers of the hospital in which the patient is detained may transfer the patient to another hospital unit within the same hospital.
- (3) The condition is that the Scottish Ministers consent to the transfer.
- (4) In relation to a transfer or proposed transfer under subsection (2) above, section 218(4) to (14) of this Act applies subject to the following modifications—
 - (a) a reference to section 218(2) is to be read as a reference to subsection (2) above,
 - (b) in subsection (10)(a), a reference to section 218(3) is to be read as a reference to subsection (3) above,
 - (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.
- (5) For the purposes of this section, “hospital unit” means any part of a hospital which is treated as a separate unit.”.

49 Consequential repeals

The following enactments are repealed—

- (a) section 9 of the Crime and Punishment (Scotland) Act 1997,
- (b) paragraph 66 of schedule 7 to the Criminal Justice and Licensing (Scotland) Act 2010.