

MENTAL HEALTH (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE & A SUMMARY OF THE ACT

Part One – the 2003 Act

Section 12: Transfer of prisoner to hospital unit

Amendment of [section 136](#)

41. Section 136 of the 2003 Act provides for the Scottish Ministers to authorise the transfer of prisoners to hospital for treatment for mental disorder.
42. [Section 12](#) provides that references in section 136 of the 2003 Act to a “hospital” may be read as references to a “hospital unit”, and defines “hospital unit” as meaning any part of a hospital which is treated as a separate unit. This makes clear that a transfer for treatment direction may authorise the transfer of prisoners to, and their detention in, specific hospital units.