

# **MENTAL HEALTH (SCOTLAND) ACT 2015**

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## **EXPLANATORY NOTES**

### **THE STRUCTURE & A SUMMARY OF THE ACT**

#### **Part One – the 2003 Act**

#### ***Section 15: Process for enforcement of orders***

#### **Amendment of [sections 266, 267, 270, 271 and 272](#)**

50. Section 15(2) of the Act repeals section 266 so that, where the Tribunal determines that a patient is being detained in a state hospital but does not require to be detained under conditions of special security that can only be provided in such a hospital, the Health Board now has a maximum of six months in which to identify a suitable alternative hospital. Subsections (3) and (4) make changes consequential to this amendment.
51. [Section 15\(5\)](#) repeals section 270. This repeal has the same effect as repealing section 266, but in respect of orders relating to detentions in conditions of excessive security for patients in non-state hospitals. Subsections (6) and (7) make changes consequential to this amendment.
52. [Section 15\(8\)](#) reflects the repeal of section 266 and 270 in section 272 of the 2003 Act (proceedings for specific performance of statutory duty).