



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.”.

20 Detention pending medical examination

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

Status: This is the original version (as it was originally enacted).

- (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 - (i) paragraph (b) is repealed together with the word “and” immediately preceding it,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 - (c) subsection (4) is repealed.