

MENTAL HEALTH (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE STRUCTURE & A SUMMARY OF THE ACT

Part One – the 2003 Act

Section 13: Transfer from specified unit

New section 124A

43. Section 124A of the 2003 Act (as introduced by section 13 of the Act) applies to patients subject to compulsory treatment orders (CTOs) and interim compulsory treatment orders (ICTOs) and enables the managers of the hospital in which the patient is detained to transfer the patient to another unit within the same hospital. This power will be available only where the order specifies that the patient is to be detained in a particular hospital unit, as provided for by section 13, described above.
44. The effect is that patients subject to CTOs and ICTOs which require their detention in a particular hospital unit may be transferred to another unit within the same hospital. The provisions of section 124(4) to (14), which apply to transfers of those patients between hospitals, will apply with such modifications as are set out at subsection (3), being those necessary to reflect the fact that the transfer is within a hospital.
45. These provisions will also apply to patients subject to compulsion orders (made without a concurrent restriction order) by virtue of section 178 of the 2003 Act.