



# Mental Health (Scotland) Act 1984

## 1984 CHAPTER 36

### PART VI

#### DETENTION OF PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS ETC. AND TRANSFER OF PATIENTS UNDER SENTENCE

*Transfer to hospital or guardianship of prisoners etc.*

#### **70 Removal to hospital of persons in prison awaiting trial etc.**

- (1) If in the case of a person committed in custody while awaiting trial or sentence it appears to the Secretary of State that the grounds are satisfied upon which an application may be made for his admission to a hospital under Part V of this Act he may apply to the sheriff for an order that that person be removed to and detained in such hospital <sup>F1</sup> . . . as may be specified in the order; and the sheriff, if satisfied by reports from 2 medical practitioners (complying with the provisions of this section) that the grounds are satisfied as aforesaid may make an order accordingly.
- (2) An order under this section (in this Act referred to as “a transfer order”) shall cease to have effect at the expiration of the period of 14 days beginning with the date on which it is made, unless within that period the person with respect to whom it was made has been received into the hospital specified therein.
- (3) A transfer order with respect to any person shall have the like effect as a hospital order made in his case together with a restriction order in respect of him made without limit of time.
- (4) Of the medical practitioners whose reports are taken into account under subsection (1) of this section, at least one shall be a practitioner approved for the purposes of section 20 of this Act by a Health Board as having special experience in the diagnosis or treatment of mental disorder.
- (5) A transfer order shall specify the form or forms of mental disorder, being mental illness [<sup>F2</sup>(including personality disorder)] or mental handicap or both, from which the patient is found by the sheriff to be suffering; and no such order shall be made unless the

---

*Status: Point in time view as at 10/02/2003. This version of this provision has been superseded.*

*Changes to legislation: Mental Health (Scotland) Act 1984, Section 70 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

patient is described by each of the practitioners whose evidence is taken into account as aforesaid as suffering from the same form of mental disorder, whether or not he is also described by either of them as suffering from the other form.

#### Textual Amendments

- F1** Words in s. 70(1) repealed (1.1.1998) by 1997 c. 48, ss. 8, 62(2), **Sch. 3**; S.I. 1997/2323, art. 4, **Sch. 2**  
**F2** Words in s. 70(5) inserted (13.9.1999) by 1999 asp 1, s. **3(1)(b)**

**Status:**

Point in time view as at 10/02/2003. This version of this provision has been superseded.

**Changes to legislation:**

Mental Health (Scotland) Act 1984, Section 70 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.