

*These notes relate to the Mental Health (Care and Treatment) (Scotland)
Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12 - Parts 10 and 11: Transfers

Section 220: appeal to Tribunal against transfer under section 218 to state hospital

400. **Section 220** provides for an appeal to the Tribunal by the patient or the patient's named person against a transfer to a state hospital. The appeal must be made within a time limit set out in subsection (3). Which time limit applies depends on whether the appeal is by the patient or the named person and on whether (and, if so, when) notice is given.
401. As with section 219, where an appeal has been lodged with the Tribunal in advance of the transfer taking place, the transfer may not take place except where the Tribunal orders that it should do so pending the outcome of the appeal. The Tribunal has the same powers on an appeal under this section as it has under section 219, subject to subsection (6). That subsection provides that Tribunal can stop or reverse a transfer to a state hospital only if it is not satisfied that the patient must be detained under conditions of special security which can be provided only in a state hospital.