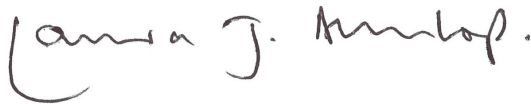


MENTAL HEALTH TRIBUNAL for SCOTLAND
GUIDANCE to TRIBUNAL MEMBERS No. 5/2023

Guidance on the transfer of detained patients between hospitals

Purpose of this Guidance

1. The purpose of this Guidance is to draw the attention of members and others to a particular tribunal decision in which the legal position of patients transferred between hospitals was considered.
2. From time to time, questions arise about the formalities required when a patient subject to a hospital-based compulsory treatment order or compulsion order is transferred from one hospital to another. The relevant provisions for CTOs are in chapter 6 of Part 7 of the 2003 Act (sections 124 to 126). By virtue of section 178, these provisions are applied to patients on hospital-based COs.
3. The relevant provisions were analysed and applied in the decision of the tribunal in case AS, 10491, dated 15 August 2023. This decision may be accessed via the [Decisions Table](#) on our website. Members faced with a similar factual scenario may find this analysis of assistance.



Laura Dunlop KC
President

Date: August 2023