



mental welfare
commission for scotland

Transfers and section 47 of the Adults With Incapacity Act

Advice notes

Republished August 2020



Our mission and purpose

Our Mission

To be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

A reminder that we (and the Scottish Government) consider that a section 47 certificate for medical treatment does NOT give the authority to convey the adult to hospital.

If transfer to hospital appears necessary for an adult who lacks capacity to decide on care and refuses admission, common law, emergency detention, or a warrant for removal could be used depending on the circumstances. See the Commission's [Right to Treat](#) guidance for more on this.

This information was first published in 2013. It was reviewed in July 2020 and remains current. Minor changes include updated links and small changes to improve readability.



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