



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 4

MENTAL HEALTH: MISCELLANEOUS AMENDMENTS AND REPEALS

72 Cross-border visits: leave of absence

- (1) After section 309 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), insert—

“309A Cross-border visits: leave of absence

- (1) Regulations may make provision for and in connection with the keeping in charge of a person who is subject to a corresponding suspension of detention in England, Wales, Northern Ireland, the Isle of Man or the Channel Islands.
- (2) Those regulations may—
- make provision applying sections 301 to 303 of this Act to such persons;
 - make such modifications of those sections in that application as the Scottish Ministers think fit.
- (3) A person is subject to a “corresponding suspension of detention” in a territory if under the law of that territory—
- but for the leave of absence mentioned in paragraph (b), the person would be subject to measures corresponding or similar to detention in hospital authorised by virtue of this Act or the 1995 Act; and
 - the person has been granted a leave of absence subject to a condition corresponding or similar to the condition set out in section 127(6)(a) of this Act.”
- (2) In section 326(4)(c) (regulations subject to affirmative resolution) of that Act, after “309,” insert “309A,”.