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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 333**

**The Mental Health (Absconding Patients from Other Jurisdictions) (Scotland) Regulations 2008**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Mental Health (Absconding Patients from Other Jurisdictions) (Scotland) Regulations 2008 and come into force on the day after the day on which they are made.

(2) In these Regulations—

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995(1);

“the 2003 Act” means the Mental Health (Care and Treatment) (Scotland) Act 2003;

a person is subject to “corresponding measures” in a relevant territory if under the law of that territory the person is subject to measures corresponding or similar to detention in hospital authorised by virtue of the 2003 Act or the 1995 Act, as construed in accordance with section 290(8)(a) of the 2003 Act(2);

a person is subject to “corresponding requirements” in a relevant territory if under the law of that territory the person is subject to measures corresponding or similar to a requirement imposed in relation to a person under section 66(1) of the 2003 Act or section 57A(8) of the 1995 Act(3), not being detention in a hospital; and

“relevant territory” means—

- (a) England and Wales;
- (b) Northern Ireland;
- (c) the Isle of Man; or
- (d) any of the Channel Islands.

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(1) 1995 c. 46; to which there are no relevant amendments.

(2) By virtue of section 290(7) of the 2003 Act, the reference in section 290(8)(a) to detention in hospital authorised by virtue of the 2003 Act or the 1995 Act includes a reference to a patient subject to suspension of detention or conditional discharge.

(3) Section 57A was inserted by section 133 of the 2003 Act.