



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART VII

REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM ETC.

Return of patients absent without leave

84 Patients absent from hospitals in Scotland

- (1) Subject to the provisions of this section, any person who, under section 28 or section 121 of this Act or under the said section 28 as applied by section 32 of this Act may be taken into custody in Scotland, may be taken into custody in, and returned to Scotland from, any other part of the United Kingdom or the Channel Islands or the Isle of Man.
- (2) For the purposes of the enactments referred to in subsection (1) of this section, in their application by virtue of this section to England and Wales, Northern Ireland, the Channel Islands or the Isle of Man, the expression " constable" includes an English constable, an officer or constable of the Royal Ulster Constabulary, a member of the police in Jersey, an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force, or a constable in the Isle of Man, as the case may be.
- (3) For the purposes of the said enactments in their application by virtue of this section to England and Wales or Northern Ireland, any reference to a mental health officer shall be construed as including a reference—
 - (a) in England and Wales, to any approved social worker within the meaning of the Mental Health Act 1983,
 - (b) in Northern Ireland, to any social worker within the meaning of the Mental Health Act (Northern Ireland) 1961.
- (4) This section shall not apply to any person who is subject to guardianship.

85 Patients absent from hospitals in Northern Ireland

Any person (other than a person subject to guardianship) who—

- (a) under section 30 or section 108 of the Mental Health Act (Northern Ireland) 1961 (which provide respectively for the retaking of patients absent without leave and for the retaking of patients escaping from custody) ; or
- (b) under the said section 30 as applied by section 34 of the said Act of 1961 (which makes special provision as to persons sentenced to imprisonment);

may be taken into custody in Northern Ireland, may be taken into custody in, and returned to Northern Ireland from, Scotland by a mental health officer, by any constable or by any person authorised by or by virtue of the said Act of 1961 to take him into custody.