



Mental Health (Patients in the Community) Act 1995

1995 CHAPTER 52

Scotland

6 Leave of absence from hospital

- (1) Section 27 of the Mental Health (Scotland) Act 1984 (leave of absence from hospital) shall be amended in accordance with subsections (2) and (3) below.
- (2) In subsection (2), after the word “may” in the second place where it occurs there shall be inserted “, subject to subsection (2A) below.”.
- (3) After subsection (2) there shall be inserted the following subsections—
 - “(2A) Subject to subsections (2B) and (2C) below, the total period of leave of absence for specified consecutive periods under this section shall not exceed 12 months.
 - (2B) If, on the date of expiry of leave of absence granted to a patient under this section, a community care application has been made in respect of him but has not been determined, the leave of absence shall continue until the community care order comes into force or, as the case may be, the application is refused by the sheriff.
 - (2C) If, on the date of expiry of leave of absence granted to a patient under this section, a community care order has been made in respect of him but has not come into force, the leave of absence shall continue until the order comes into force.”
- (4) In paragraph 4 of Part II of Schedule 2 to that Act (application of section 27 to hospital orders with restriction orders, etc.), at the end of sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(bb) subsections (2A) to (2C) shall be omitted;”.

Status: This is the original version (as it was originally enacted).

- (5) Where, on the day when this section comes into force, a patient has been absent from a hospital for more than 6 months in pursuance of leave of absence granted under section 27 of that Act, the leave may, notwithstanding subsection (3) above, be extended for a single period of not more than 6 months.