



Mental Health (Care and Treatment) (Scotland) Act 2003

2003 asp 13

PART 20

ABSCONDING

Absconding

301 Absconding etc. by patients subject to compulsory treatment order

- (1) A patient who is subject to a compulsory treatment order authorising detention in hospital and who—
- (a) absconds from—
 - (i) any place where the patient is kept pending removal to hospital under the order; or
 - (ii) the hospital in which, under the order, the patient is being detained; or
 - (b) while being removed to hospital under the order or transferred under section 124 of this Act, absconds,
- is liable to be taken into custody and dealt with in accordance with section 303 of this Act.
- (2) A patient who is subject to such an order and in respect of whom—
- (a) a certificate under section 127(1) of this Act has effect; and
 - (b) a condition under subsection (6) of that section requires—
 - (i) that the patient be kept in the charge of an authorised person or reside continuously or for or at specified times at a specified place; or
 - (ii) that the patient, on being recalled or on the expiry of a specified period or on or after the occurrence of a specified event, return to the hospital in which the patient was detained under the order or go to such other place as may be specified,

and who absconds from the charge of that authorised person or otherwise fails to comply with the condition is liable to be taken into custody and dealt with in accordance with section 303 of this Act.

Status: This is the original version (as it was originally enacted).

- (3) A patient who is subject to a compulsory treatment order imposing a requirement that the patient reside at a specified place and who fails to comply with that requirement is liable to be taken into custody and dealt with in accordance with section 303 of this Act.
- (4) A patient who is subject to a compulsory treatment order imposing a requirement that the patient obtain the approval of the mental health officer to any proposed change of address and who changes address without having obtained that approval is liable to be taken into custody and dealt with in accordance with section 303 of this Act.
- (5) A patient who has been taken into custody under this section and who absconds from that custody remains liable to be taken into custody and dealt with in accordance with section 303 of this Act.