



2016 CHAPTER 18

PART 2

LACK OF CAPACITY: PROTECTION
FROM LIABILITY, AND SAFEGUARDS

CHAPTER 4

ADDITIONAL SAFEGUARD: AUTHORISATIONS ETC

Deprivation of liberty

Permission for absence

27.—(1) For the avoidance of doubt, if—

- (a) by virtue of this Part a person (“P”) is detained in a relevant place,
- (b) P is given permission to be absent from the relevant place for a particular period or a particular occasion, and
- (c) a person does an act within subsection (2),

section 9(2) (protection from liability) applies to that act provided that the conditions of section 9(1)(c) and (d), and any other conditions that apply under this Part, are met in relation to that act.

(2) The acts within this subsection are—

- (a) imposing any condition on P in relation to the permission;
- (b) any act for the purpose of ensuring that P complies with such a condition;
- (c) recalling P to the relevant place.

(3) For the purposes of this section a place is a “relevant place” if—

- (a) P is detained in the place in circumstances amounting to a deprivation of liberty; and
- (b) care or treatment is available to P in the place.