
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

The Mental Health (Absconding patients from other jurisdictions) (Scotland) Regulations 2008

Application of section 303 of the 2003 Act

7. In the application of section 303 of the 2003 Act to a person mentioned in regulation 6—
- (a) references to a patient shall be construed as references to a person as mentioned in regulation 6;
 - (b) references in subsection (1)(b) and (c) to any other place considered appropriate by the patient's responsible medical officer shall be construed as references to any place considered appropriate by—
 - (i) the person who, in relation to a person mentioned in regulation 6, carries out the role in a relevant territory which is corresponding or similar to that of a patient's responsible medical officer; or
 - (ii) any medical practitioner;
 - (c) the words in subsection (1)(b) "return the patient to the hospital in which the patient was detained or, as the case may be, take the patient to the hospital in which the patient was to be detained or, if that is not appropriate or practicable," shall not apply;
 - (d) subsections (2) and (3)(b) shall not apply;
 - (e) the reference in subsection (3)(a)(iii) to a compulsory treatment order a condition of which requires the patient to reside in an establishment the address of which is specified in the order shall be construed as a reference to a measure in a relevant territory which is corresponding or similar to a compulsory treatment order or a compulsion order which requires a patient to reside in an establishment the address of which is specified in the order;
 - (f) the reference in subsection (3)(a)(iv) to the patient's responsible medical officer shall be construed as a reference to the person who, in relation to a person mentioned in regulation 6, carries out the role in a relevant territory which is corresponding or similar to that of a patient's responsible medical officer;
 - (g) the period specified in subsection (4) shall be any period in which the person is in Scotland and is subject to corresponding measures or corresponding requirements in a relevant territory; and
 - (h) subsections (5) and (7) shall not apply.