
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

The Mental Health (England and Wales Cross-border transfer: patients subject to requirements other than detention) (Scotland) Regulations 2008

PART III

RECEPTION OF PERSONS IN SCOTLAND

Absconding

23.—(1) Without prejudice to the powers of an escort under regulation 22, a patient who, while being escorted to their destination in Scotland, absconds within Scotland, will be liable to be taken into custody by a person specified in paragraph (3).

- (2) Where a patient is taken into custody under paragraph (1), the specified person may—
- (a) return the patient to the custody of the escorts from whose charge the patient absconded or, if that is not practicable;
 - (b) take the patient to any place considered appropriate by the patient's responsible medical officer.
- (3) The persons referred to in paragraph (1) are—
- (a) a mental health officer;
 - (b) a constable;
 - (c) a member of staff of any hospital; and
 - (d) any other person authorised for the purposes by the patient's responsible medical officer.