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STATUTORY INSTRUMENTS

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**2005 No. 2078**

**The Mental Health (Care and Treatment) (Scotland)  
Act 2003 (Consequential Provisions) Order 2005**

**Patients absent from hospitals in Scotland**

**8.—(1)** Subject to the provisions of this article, any person who may be taken into custody in Scotland under—

- (a) sections 301 to 303 of the 2003 Act; or
- (b) regulations made under section 290 or 310 of that Act,

may be taken into custody in, and returned to Scotland from, any other part of the United Kingdom.

(2) For the purposes of the enactments referred to in paragraph (1), in their application by virtue of this article to England and Wales or Northern Ireland—

- (a) “constable” includes a constable in England or Wales or a constable of the Police Service of Northern Ireland, as the case may be; and
- (b) “mental health officer” includes—
  - (i) in England and Wales, any approved social worker within the meaning of the Mental Health Act 1983; and
  - (ii) in Northern Ireland, any approved social worker within the meaning of the Mental Health (Northern Ireland) Order 1986.