



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

2003 asp 13

PART 20

ABSCONDING

Patients from other jurisdictions

[^{F1}309A Cross-border visits: leave of absence

- (1) Regulations may make provision for and in connection with the keeping in charge of
 - [^{F2}(a)] a person who is subject to a corresponding suspension of detention in England, Wales, Northern Ireland, the Isle of Man or the Channel Islands.
 - [^{F3}(b)] a person who is subject to a corresponding suspension of detention in a member State of the European Union (apart from the United Kingdom).]
- (2) Those regulations may—
 - (a) make provision applying sections 301 to 303 of this Act to such persons;
 - (b) make such modifications of those sections in that application as the Scottish Ministers think fit.
- (3) A person is subject to a “corresponding suspension of detention” in a territory if under the law of that territory—
 - (a) but for the leave of absence mentioned in paragraph (b), the person would be subject to measures corresponding or similar to detention in hospital authorised by virtue of this Act or the 1995 Act; and
 - (b) the person has been granted a leave of absence subject to a condition corresponding or similar to the condition set out in section 127(6)(a) of this Act.]

Textual Amendments

- F1** S. 309A inserted (30.6.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), **ss. 72(1), 79(3)**; [S.S.I. 2007/334](#), **art. 2(a)**, **sch. 1**

Changes to legislation: *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 309A is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F2** Words in s. 309A(1) renumbered as s. 309A(1)(a) (5.5.2017 for specified purposes, 30.6.2017 in so far as not already in force) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 32(4)(a)**, 61(2); S.S.I. 2017/126, art. 2, sch.; S.S.I. 2017/197, art. 2, sch.
- F3** S. 309A(1)(b) inserted (5.5.2017 for specified purposes, 30.6.2017 in so far as not already in force) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), **ss. 32(4)(b)**, 61(2); S.S.I. 2017/126, art. 2, sch.; S.S.I. 2017/197, art. 2, sch.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)