



# Mental Health (Scotland) Act 2015

## 2015 asp 9

### PART 1

#### THE 2003 ACT

##### *Cross-border transfers and absconding patients*

### **33 Dealing with absconding patients**

- (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In paragraph (a)(iii) of subsection (3) of section 303 (taking into custody and return of absconding patients), after the words “compulsory treatment order” there is inserted “ or an interim compulsory treatment order ”.
- (3) In section 309 (patients from other jurisdictions)—
  - (a) in subsection (1)—
    - (i) the words from “persons” to the end become paragraph (a),
    - (ii) after that paragraph (as so numbered) there is inserted—

“(b) persons in Scotland who are subject to corresponding requirements or corresponding measures in a member State of the European Union (apart from the United Kingdom).”
  - (b) in subsection (2), for the words “Those regulations” there is substituted “ Regulations under subsection (1) above ”,
  - (c) after subsection (2) there is inserted—

“(2ZA) Regulations may make provision applying specific provisions in Part 16 of this Act to persons to whom sections 301 to 303 of this Act apply by virtue of subsection (1) above.

(2ZB) Regulations under subsection (2ZA) above may make such modifications of that Part in that application as the Scottish Ministers think fit.

(2ZC) But regulations under subsection (2ZA) above may not—

---

*Status: Point in time view as at 30/06/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 33. (See end of Document for details)*

---

- (a) apply any of that Part to persons who are subject to requirements or measures corresponding only to detention in hospital in accordance with an emergency detention certificate, or
  - (b) authorise medical treatment of the types mentioned in section 234(2) or 237(3) of this Act.”.
- (4) In section 310 (regulations as to absconding by other patients), after subsection (3) there is inserted—

“(3A) In making provision as described in paragraphs (a) and (b) of subsection (1) above, regulations under that subsection may specify persons who are authorised by patients' responsible medical officers.”.

---

**Commencement Information**

- I1** S. 33 in force at 5.5.2017 for specified purposes by [S.S.I. 2017/126, art. 2, sch.](#)
- I2** S. 33 in force at 30.6.2017 in so far as not already in force by [S.S.I. 2017/197, art. 2, sch.](#)

**Status:**

Point in time view as at 30/06/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Scotland) Act 2015, Section 33.