

SCHEDULES

SCHEDULE 3

SUPERVISED COMMUNITY TREATMENT: FURTHER AMENDMENTS TO 1983 ACT

Return of patients absent without leave

- 3 (1) Section 18 (return and readmission of patients absent without leave) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Where a community patient is at any time absent from a hospital to which he is recalled under section 17E above, he may, subject to the provisions of this section, be taken into custody and returned to the hospital by any approved mental health professional, by any officer on the staff of the hospital, by any constable, or by any person authorised in writing by the responsible clinician or the managers of the hospital.”
- (3) In subsection (4)—
- (a) in paragraph (b), after “guardianship” insert “ or, in the case of a community patient, the community treatment order is in force ”, and
- (b) omit the words from “and, in determining” to the end.
- (4) After subsection (4) insert—
- “(4A) In determining for the purposes of subsection (4)(b) above or any other provision of this Act whether a person who is or has been absent without leave is at any time liable to be detained or subject to guardianship, a report furnished under section 20 or 21B below before the first day of his absence without leave shall not be taken to have renewed the authority for his detention or guardianship unless the period of renewal began before that day.
- (4B) Similarly, in determining for those purposes whether a community treatment order is at any time in force in respect of a person who is or has been absent without leave, a report furnished under section 20A or 21B below before the first day of his absence without leave shall not be taken to have extended the community treatment period unless the extension began before that day.”
- (5) After subsection (6) insert—
- “(7) In relation to a patient who has yet to comply with a requirement imposed by virtue of this Act to be in a hospital or place, references in this Act to his liability to be returned to the hospital or place shall include his liability to be taken to that hospital or place; and related expressions shall be construed accordingly.”

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Cross
Heading: Return of patients absent without leave.