



# Mental Health (Scotland) Act 1984

## 1984 CHAPTER 36

### PART XI

#### MISCELLANEOUS AND GENERAL

##### *Offences*

#### **108 Assisting patients to absent themselves without leave etc.**

- (1) Any person who induces or knowingly assists any other person—
  - (a) being liable to be detained in a hospital or being subject to guardianship under this Act, to absent himself without leave; or
  - (b) being in legal custody by virtue of section 120 of this Act, to escape from such custody,shall be guilty of an offence.
- (2) Any person who knowingly harbours a patient who is absent without leave or is otherwise at large and liable to be retaken under this Act, or gives him any assistance with intent to prevent, hinder or interfere with his being taken into custody or returned to the hospital or other place where he ought to be, shall be guilty of an offence.
- (3) Any person guilty of an offence against this section shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or both ;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or both.