



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART V

ADMISSION TO AND DETENTION IN HOSPITAL AND GUARDIANSHIP

Care and treatment of patients: hospital

28 Return and re-admission of patients absent without leave: hospital

- (1) Where a patient who is for the time being liable to be detained under this Part of this Act in a hospital—
- absents himself from the hospital without leave granted under section 27 of this Act; or
 - fails to return to the hospital on any occasion on which, or at the expiration of any period for which, leave of absence was granted to him under that section, or upon being recalled thereunder; or
 - absents himself without permission from any place where he is required to reside in accordance with conditions imposed on the grant of leave of absence under that section,

he may, subject to the provisions of this section, be taken into custody and returned to the hospital or place by any mental health officer, by any officer on the staff of the hospital, by any constable, or by any person authorised in writing by the managers of the hospital.

- (2) Where the place referred to in subsection 1(c) of this section is a hospital other than the one in which the patient is for the time being liable to be detained, the references in that subsection to an officer on the staff of the hospital and to the managers of the hospital shall respectively include references to an officer on the staff of the first-mentioned hospital and to the managers of that hospital.
- (3) A patient shall not be taken into custody under this section after the expiration of the period of 28 days beginning with the first day of his absence without leave and a

Status: This is the original version (as it was originally enacted).

patient who has not returned or been taken into custody under this section within the said period shall cease to be liable to be detained at the expiration of that period.

- (4) A patient shall not be taken into custody under this section if the period for which he is liable to be detained is that specified in section 24(3), 25(2) or 26(3) of this Act and that period has expired.