

*These notes relate to the Mental Health (Care and Treatment) (Scotland)
Act 2003 (asp 13) which received Royal Assent on 25 April 2003*

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 20 – Absconding

Section 303: taking into custody and return of absconding patients

607. **Section 303** sets out the powers of authorised persons to make arrangements for the return of certain patients who have absconded or failed to comply with a requirement or condition imposed on them. A patient who absconds while subject to a compulsory treatment order may be taken into custody and returned any time up to 3 months after the date on which he or she goes absent, or fails to comply. Even if the compulsory treatment order has expired in the patient’s absence, this provision is still applicable. In relation to any order or certificate other than a compulsory treatment order, the period during which the patient may be taken into custody and returned ends with the expiry of the order or certificate under which the patient is detained.
608. Subsection (3) of section 303 stipulates the parties who are authorised to take into custody and/or return patients who have absconded. Subsection (6) makes clear that any of the parties listed at subsection (3) may use reasonable force when taking into custody or returning such a patient.