

*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**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 21 – Offences**

##### ***Section 316: inducing and assisting absconding etc***

626. Subsection (1) makes it an offence to knowingly induce or assist a patient to abscond or to fail to act, in such a way as to make the patient liable to be taken into custody and subject to the provisions of section 303, or to harbour a patient who has absconded or so failed.
627. Subsection (2) provides that it is a defence for an accused to prove that what he or she did, did not interfere with other persons carrying out functions under the 2003 Act and it was calculated to protect the interests of the patient.