



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Breach of orders and offences

67 Absconding from hospital

- (1) This section applies where a person is subject to—
 - (a) a short term detention order; or
 - (b) an exceptional detention order.
- (2) A person who absconds—
 - (a) while being removed to the hospital in which that person is to be detained; or
 - (b) from the hospital in which the person is detained,is liable to be taken into custody by a person mentioned in subsection (3) and returned to hospital in accordance with subsection (4).
- (3) The persons who may take a person who has absconded into custody are—
 - (a) a constable;
 - (b) an officer of a health board;
 - (c) an officer of a local authority.
- (4) The absconding person may—
 - (a) be returned to the hospital in which the person's detention is authorised; and
 - (b) be detained there for the period or, as the case may be, the remainder of the period for which detention of that person is authorised.
- (5) In calculating the period mentioned in subsection (4)(b), the period beginning when the person absconded and ending when that person is returned to hospital by virtue of subsection (2) is to be left out of account.
- (6) A person who may take an absconding person into custody may enter any premises in which the person is present.

*Changes to legislation: There are currently no known outstanding effects for the
Public Health etc. (Scotland) Act 2008, Section 67. (See end of Document for details)*

- (7) The power of entry in subsection (6)—
- (a) may be exercised at any time; and
 - (b) includes power to use reasonable force.
- (8) A person who is taken into custody under this section and who absconds remains liable to be taken into custody under and dealt with in accordance with this section.

Commencement Information

II S. 67 in force at 1.10.2009 by [S.S.I. 2009/319](#), art. 2(a), [Sch. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 67.