



# Mental Health (Care and Treatment) (Scotland) Act 2003

## 2003 asp 13

### PART 20

#### ABSCONDING

##### *Effect of unauthorised absence*

#### **306 Effect of unauthorised absence ending simultaneously with or within 14 days before expiry of compulsory treatment order**

- (1) Where the unauthorised absence of a patient who is subject to a compulsory treatment order—
  - (a) ceases on the day that the order to which the patient is subject would, apart from this subsection, cease to authorise the measures specified in it; or
  - (b) ceased within a period of 14 days ending with that day,the order shall be treated as having continued in effect and, subject to subsection (4) below, as continuing in effect until the end of the period of 14 days beginning with the day on which the patient's unauthorised absence ceased.
- (2) The patient's responsible medical officer shall, during the period of 14 days secondly referred to in subsection (1) above, carry out a review in respect of the compulsory treatment order to which the patient is subject by complying with the requirements set out in section 77(3) of this Act.
- (3) Where any part of the period of 14 days referred to in subsection (2) above occurs within the period of 2 months mentioned in subsection (5) of section 77 or subsection (3) of section 78 of this Act, the review which would (apart from this subsection) have been carried out during that period of 2 months under that section shall not be carried out.
- (4) Subsections (4) to (6) of section 305 of this Act apply for the purposes of a review under subsection (2) above as they apply for the purposes of a review under subsection (2) of that section.

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*Status: This is the original version (as it was originally enacted).*

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(5) Where—

- (a) the compulsory treatment order to which a patient is subject is, under this section, treated as continuing in effect; and
- (b) the patient's unauthorised absence—
  - (i) began at a time when a review of the order was being carried out under section 77 or 78 of this Act; and
  - (ii) lasted for 28 consecutive days or any shorter period,

then anything done by the patient's responsible medical officer for the purposes of that review which (apart from this subsection) would fall to be done for the purposes of a review under this section need not, for those latter purposes, be done.