



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

2003 asp 13

PART 6

SHORT-TERM DETENTION

Extension certificate

47 Extension of detention pending application for compulsory treatment order

(1) Where—

- (a) a patient is detained in hospital under authority of a short-term detention certificate;
- (b) an approved medical practitioner carries out a medical examination of the patient; and
- (c) subsections (2) and (3) below apply,

the approved medical practitioner may, before the expiry of the period of 24 hours beginning with the completion of that medical examination, grant a certificate (any such certificate being referred to in this Act as an “extension certificate”) authorising the measures mentioned in subsection (4) below.

(2) This subsection applies where—

- (a) there is no conflict of interest in relation to the medical examination; and
- (b) the approved medical practitioner considers—
 - (i) that the conditions mentioned in paragraphs (a) to (d) of section 44(4) of this Act are met in respect of the patient; and
 - (ii) that because of a change in the mental health of the patient, an application should be made under section 63 of this Act for a compulsory treatment order.

(3) This subsection applies where—

- (a) no application has been made under section 63 of this Act;

Status: This is the original version (as it was originally enacted).

- (b) it would not be reasonably practicable to make an application under that section before the expiry of the period of detention authorised by the short-term detention certificate; and
 - (c) subject to subsection (6) below—
 - (i) the approved medical practitioner consults a mental health officer about the proposed grant of an extension certificate; and
 - (ii) the mental health officer consents to the granting of the extension certificate.
- (4) The measures referred to in subsection (1) above are—
- (a) the detention in hospital of the patient for the period of 3 days beginning with the expiry of the period for which the short-term detention certificate authorises the detention of the patient in hospital; and
 - (b) the giving to the patient, in accordance with Part 16 of this Act, of medical treatment.
- (5) Regulations may specify—
- (a) the circumstances in which there is to be taken to be; and
 - (b) the circumstances in which there is not to be taken to be, a conflict of interest in relation to the medical examination.
- (6) An approved medical practitioner need not consult or seek consent under subsection (3)(c) above in any case where it is impracticable to do so.
- (7) In reckoning the period of days mentioned in subsection (4)(a) above, there shall be left out of account any day which is not a working day.
- (8) In this section “working day” means a day which is not—
- (a) Saturday;
 - (b) Sunday; or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in Scotland.