



# Adult Support and Protection (Scotland) Act 2007

2007 asp 10

## PART 1

### PROTECTION OF ADULTS AT RISK OF HARM

#### *Banning orders*

#### **34 Criteria for authorising longer detention**

- (1) The sheriff may, if satisfied—
  - (a) that the information which the fiscal presents under section 33 ostensibly discloses a breach of a banning order or temporary banning order, and
  - (b) that there is a substantial risk that the detained person will breach the order again,by order authorise the continuation of the detention for a period of not more than 2 days (not counting days which are not court days).
- (2) Where the sheriff refuses to authorise such a continuation, the detained person must be released from custody (unless that person is in custody in respect of any other matter).
- (3) Before deciding whether to grant an order under this section, the sheriff must give the detained person the opportunity to make representations.

#### **Commencement Information**

**II** S. 34 in force at 29.10.2008 by [S.S.I. 2008/314](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Adult Support and Protection (Scotland) Act 2007, Section 34.