



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 4

PUBLIC HEALTH FUNCTIONS OF HEALTH BOARDS

Removal to and detention in hospital

45 Exceptional detention order

- (1) The sheriff may, if satisfied as to the matters mentioned in subsection (2), make an exceptional detention order authorising—
 - (a) the continued detention of a person in hospital; and
 - (b) the taking in relation to the person of such of the steps mentioned in section 46(2) (if any) as the sheriff considers appropriate.
- (2) The matters referred to in subsection (1) are—
 - (a) that the conditions mentioned in section 44(2)(a) and (b) continue to apply;
 - (b) that it continues to be necessary, to avoid or minimise a significant risk to public health, for the person to be detained in hospital;
 - (c) that it is necessary for the person to be so detained for a period exceeding the short term maximum period; and
 - (d) that—
 - (i) before the application under section 44(3) was made, the health board gave an explanation under section 31(3) or (5); or
 - (ii) where no such explanation was given, it was not reasonably practicable to do so.
- (3) An exceptional detention order has effect—
 - (a) from the time at which it is made;
 - (b) for such period, not exceeding 12 months beginning with the day on which the order is made, as the sheriff considers appropriate.
- (4) An order under subsection (1) must—
 - (a) specify—
 - (i) the person to whom the order applies;

Status: This is the original version (as it was originally enacted).

- (ii) the hospital in which the person is to be detained;
 - (iii) the period for which the person is to be detained in hospital; and
 - (iv) the steps mentioned in section 46(2) (if any) which may be taken in relation to the person; and
- (b) be notified to—
- (i) the person to whom it applies;
 - (ii) any person to whom an explanation was given under section 31(5);
and
 - (iii) any other person the sheriff considers appropriate.