



# 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;

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*Status: This is the original version (as it was originally enacted).*

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- (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.

#### **48      Extension certificate: notification**

- (1) An approved medical practitioner who grants an extension certificate shall, before the expiry of the period of 24 hours beginning with the granting of the certificate, give the certificate to the managers of the hospital in which the patient is detained and give notice to the persons mentioned in subsection (2) below—
- (a) of the granting of the extension certificate;
  - (b) of the approved medical practitioner’s reasons for believing the conditions mentioned in paragraphs (a) to (d) of section 44(4) of this Act to be met in respect of the patient;
  - (c) as to whether consent of a mental health officer was obtained to the granting of the certificate; and
  - (d) if the certificate was granted without consent to its granting having been obtained from a mental health officer, the reason why it was impracticable to consult a mental health officer.
- (2) Those persons are—
- (a) the patient;
  - (b) the patient’s named person;

- (c) the Tribunal;
- (d) the Commission;
- (e) any guardian of the patient;
- (f) any welfare attorney of the patient; and
- (g) the mental health officer.