



Mental Health (Scotland) Act 1984

1984 CHAPTER 36

PART V

ADMISSION TO AND DETENTION IN HOSPITAL AND GUARDIANSHIP

Procedure for admission of patients: hospital

26 Short term detention

- (1) Where a patient is admitted to a hospital in pursuance of section 24 of this Act, he may be detained in that hospital after the expiry of the period of 72 hours referred to in subsection (3) of that section if—
 - (a) a report on the condition of the patient has been furnished to the managers of the hospital; and
 - (b) where practicable, consent to the continued detention has been given by the nearest relative of the patient or by a mental health officer.
- (2) The report referred to in subsection (1)(a) of this section shall—
 - (a) be given by a medical practitioner approved for the purposes of section 20(1) (b) of this Act who has personally examined the patient and shall include a statement that in the opinion of the medical practitioner—
 - (i) the patient is suffering from mental disorder of a nature or degree which makes it appropriate for him to be detained in a hospital for at least a limited period; and
 - (ii) the patient ought to be so detained in the interests of his own health or safety or with a view to the protection of other persons ;
 - (b) include, where consent to the continued detention has not been obtained, a statement of the reasons for not obtaining such consent; and
 - (c) contain a statement as to whether the person signing the report is related to the patient and of any pecuniary interest that that person may have in the admission of the patient to hospital.

Status: This is the original version (as it was originally enacted).

- (3) Subject to subsection (6) of this section, where a report is duly furnished under subsection (1) of this section the authority for the detention of the patient shall be thereby renewed for a further period of 28 days from the expiry of the period of 72 hours referred to in the said subsection (1).
- (4) Where a patient is detained in a hospital in pursuance of this section, the managers of the hospital shall so inform—
 - (a) the Mental Welfare Commission ;
 - (b) where practicable, the nearest relative of the patient (except where the nearest relative has consented under subsection (1)(b) of this section); and
 - (c) the local authority (except in a case where a mental health officer appointed by that local authority has consented under subsection (1)(b) of this section),not later than 7 days after the patient was detained.
- (5) A local authority, on being informed under subsection (4) of this section of the admission of a patient, shall arrange for a mental health officer as soon as practicable and in any event not later than 7 days before the expiry of the period of 28 days referred to in subsection (3) of this section—
 - (a) to interview the patient; and
 - (b) to provide the responsible medical officer and the Mental Welfare Commission with a report on the patient's social circumstances.
- (6) Any patient may, within the period for which the authority for his detention is renewed by virtue of a report furnished in respect of him under this section, appeal to the sheriff to order his discharge and the provisions of section 33(2) and (4) of this Act shall apply in relation to such an appeal.
- (7) A patient who has been detained in a hospital under this section shall not be further detained under this section nor detained under section 24 of this Act immediately after the ex-expiry of the period of detention under this section.