



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

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 1

##### APPLICATION FOR, AND MAKING OF, ORDERS

##### *Extension of short-term detention: special case*

#### **68 Extension of short-term detention pending determination of application**

- (1) Where—
- (a) the detention of a patient in hospital is authorised by—
    - (i) a short-term detention certificate; or
    - (ii) an extension certificate; and
  - (b) before the expiry of the period of detention so authorised, an application is made under section 63 of this Act,
- the measures mentioned in subsection (2) below are authorised.
- (2) Those measures are—
- (a) the detention in hospital of the patient for the period of 5 days beginning with the expiry of the period for which the 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.
- (3) In reckoning the period of days mentioned in subsection (2)(a) above, there shall be left out of account any day which is not a working day.
- (4) In this section “working day” has the meaning given by section 47(8) of this Act.

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 68 is up to date with all changes known to be in force on or before 03 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### **Commencement Information**

- II** S. 68 in force at 5.10.2005 by S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)