



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.