Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 1

PROTECTION OF ADULTS AT RISK OF HARM

Banning orders

32 Duty to bring detained person before sheriff

(1) Where—

(a) a person is detained under section 29, and

(b) the fiscal has not decided to take criminal proceedings in respect of the facts and circumstances which gave rise to the arrest,

the detained person must be brought, on the next court day on which it is practicable to do so, before the sheriff sitting as a court of summary jurisdiction for the district in which the person was arrested.

(2) Nothing in this section prevents the detained person from being brought before the sheriff on a day other than a court day if—

(a) the sheriff is sitting on such a day for the disposal of criminal business, and

(b) the fiscal has not decided to take criminal proceedings in respect of the facts and circumstances which gave rise to the arrest.