



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 7

### SAFEGUARDING

#### *Adults at risk*

#### **127 Adult protection and support orders**

- (1) An authorised officer may apply to a justice of the peace for an order (“an adult protection and support order”) in relation to a person living in any premises within a local authority’s area.
- (2) The purposes of an adult protection and support order are—
  - (a) to enable the authorised officer and any other person accompanying the officer to speak in private with a person suspected of being an adult at risk,
  - (b) to enable the authorised officer to ascertain whether that person is making decisions freely, and
  - (c) to enable the authorised officer properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken.
- (3) When an adult protection and support order is in force the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2).
- (4) The justice of the peace may make an adult protection and support order if satisfied that—
  - (a) the authorised officer has reasonable cause to suspect that a person is an adult at risk,

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*Status: This is the original version (as it was originally enacted).*

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- (b) it is necessary for the authorised officer to gain access to the person in order properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken,
  - (c) making an order is necessary in order to fulfil the purposes set out in subsection (2), and
  - (d) exercising the power of entry conferred by the order will not result in the person being at greater risk of abuse or neglect.
- (5) An adult protection and support order must—
  - (a) specify the premises to which it relates;
  - (b) provide that the authorised officer may be accompanied by a constable;
  - (c) specify the period for which the order is to be in force.
- (6) Other conditions may be attached to an adult protection and support order, for example—
  - (a) specifying restrictions on the time at which the power of entry conferred by the order may be exercised;
  - (b) providing for the authorised officer to be accompanied by another specified person;
  - (c) requiring notice of the order to be given to the occupier of the premises and to the person suspected of being an adult at risk.
- (7) A constable accompanying the authorised officer may use reasonable force if necessary in order to fulfil the purposes of an adult protection and support order set out in subsection (2).
- (8) On entering the premises in accordance with an adult protection and support order the authorised officer must—
  - (a) state the object of the visit,
  - (b) produce evidence of the authorisation to enter the premises, and
  - (c) provide an explanation to the occupier of the premises of how to complain about how the power of entry has been exercised.
- (9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section, but regulations may set restrictions on the persons or categories of persons who may be authorised.