



# Adult Support and Protection (Scotland) Act 2007 2007 asp 10

## ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

### PART 1

#### PROTECTION OF ADULTS AT RISK OF HARM

##### *Introductory*

- 1 General principle on intervention in an adult's affairs
- 2 Principles for performing Part 1 functions
- 3 Adults at risk

##### *Inquiries*

- 4 Council's duty to make inquiries
- 5 Co-operation
- 6 Duty to consider importance of providing advocacy and other services

##### *Investigations*

- 7 Visits
- 8 Interviews
- 9 Medical examinations
- 10 Examination of records etc.

##### *Assessment orders*

- 11 Assessment orders
- 12 Criteria for granting assessment order
- 13 Restriction on exercise of assessment order

##### *Removal orders*

- 14 Removal orders

- 15 Criteria for granting removal order
- 16 Right to move adult at risk
- 17 Variation or recall of removal order
- 18 Protection of moved person's property

*Banning orders*

- 19 Banning orders
- 20 Criteria for granting banning order
- 21 Temporary banning orders
- 22 Right to apply for banning order
- 23 Banning orders: occupancy rights of adult at risk
- 24 Variation or recall of banning order
- 25 Powers of arrest
- 26 Notification to adult at risk etc.
- 27 Notification to police
- 28 Arrest for breach of banning order
- 29 Police duties after arrest
- 30 Notification of detention
- 31 Duty to keep record of detention
- 32 Duty to bring detained person before sheriff
- 33 Information to be presented to sheriff
- 34 Criteria for authorising longer detention

*Protection orders and visits: supplementary*

- 35 Consent of adult at risk
- 36 Visits: supplementary provisions
- 37 Warrants for entry
- 38 Criteria for granting warrants for entry: section 7 visits
- 39 Duty to grant warrants for entry: removal orders
- 40 Urgent cases
- 41 Applications: procedure

*Adult Protection Committees*

- 42 Adult Protection Committees
- 43 Membership
- 44 Committee procedure
- 45 Duty to provide information to the Committee
- 46 Biennial Report
- 47 Guidance

*Other provisions*

- 48 Code of practice
- 49 Obstruction
- 50 Offences by bodies corporate etc.
- 51 Appeals
- 52 Persons authorised to perform functions under this Part
- 53 Interpretation of Part 1

## **PART 2**

### ADULTS WITH INCAPACITY

- 54 Preliminary
- 55 Applications and proceedings: sheriff to consider adult's wishes and feelings
- 56 Orders about incapable adults' nearest relatives
- 57 Powers of attorney
- 58 Accounts and funds
- 59 Intervention orders
- 60 Guardianship orders
- 61 Power to obtain records

## **PART 3**

### ADULT SUPPORT ETC.: MISCELLANEOUS AMENDMENTS AND REPEALS

- 62 Accommodation charges: removal of liability to maintain spouse and child etc.
- 63 Direct payments: sub-delegation to councils
- 64 Power to help incapable adults to benefit from social services etc.
- 65 Adjustments between councils in relation to social services etc.
- 66 Application of Social Work (Scotland) Act 1968: persons outwith Scotland
- 67 Public Guardian: interaction with courts

## **PART 4**

### MENTAL HEALTH: MISCELLANEOUS AMENDMENTS AND REPEALS

- 68 Review of determination extending compulsory treatment order
- 69 Compulsion orders: revocation
- 70 Hospital directions and transfer for treatment directions: revocation
- 71 Compulsory treatment orders and compulsion orders: cross-border transfer of patients etc.
- 72 Cross-border visits: leave of absence
- 73 Applications to the Mental Health Tribunal for Scotland
- 74 Mental Health Act 1983: repeal of power to return patients absent from hospital etc.
- 75 Assessment orders: amendment of Criminal Procedure (Scotland) Act 1995

## **PART 5**

### FINAL PROVISIONS

- 76 Ancillary provision
- 77 Minor and consequential amendments and repeals
- 78 Orders
- 79 Commencement
- 80 Short title

- 1 National Assistance Act 1948 (c. 29)
- 2 Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)
- 3 Legal Aid (Scotland) Act 1986 (c. 47)
- 4 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 5 Adults with Incapacity (Scotland) Act 2000 (asp 4)
- 6 Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

#### SCHEDULE 2 — Repeals