

*These notes relate to the Adult Support and Protection (Scotland) Act 2007 (asp 10) which received Royal Assent on 21 March 2007*

# **ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007**

---

## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

#### **Part 1**

#### **Protection of Adults at Risk of Harm**

#### **Inquiries**

#### ***Section 5 – Co-operation***

9. This section addresses the requirement for public bodies to co-operate with the council and each other, where harm is known or suspected.
10. Subsection (1) lists the public bodies as the Mental Welfare Commission for Scotland, the Scottish Commission for the Regulation of Care (the Care Commission), the Public Guardian, all councils, chief constables of police forces and the relevant Health Board. It also gives Scottish Ministers power to prescribe other public bodies or office-holders in regulations.
11. Subsection (2) requires these public bodies to co-operate both with each other and with the council making inquiries where this is likely to assist the council to make inquiries in accordance with the duty described in section 4 above. The duty to co-operate is subject to any other functions the bodies may have.
12. If one of the public bodies listed above knows or believes an adult is at risk from harm and believes action is required to protect that person from harm, then subsection (3) requires them to report the facts and circumstances to the council for the area in which it considers the person to be.