

ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1

Protection of Adults at Risk of Harm

Removal orders

Section 15 – Criteria for granting removal order

22. This section specifies that a sheriff may only grant a removal order if satisfied that the person for whom the order is sought is an adult at risk and that person is likely to be seriously harmed if he or she is not moved. In addition, the sheriff must be satisfied that the place to which the adult at risk is to be moved, in pursuance of the order, is available and suitable.
23. Subsection (2) allows the sheriff to specify in the removal order whether a named individual can have contact with the adult at risk during the period of the removal order, and whether this should be subject to specified conditions. Before including such requirements, subsection (3) states that the sheriff must have regard to representations from the council and any relevant representations from the subject of the order (the adult at risk), anyone who wishes to have contact with the adult at risk or any other person who has an interest in the adult at risk's well-being or property.
24. However, a sheriff can decide to disapply the provisions contained within subsection (3) in relation to representations if he or she can be satisfied that doing so will protect an adult at risk from serious harm or will not prejudice any person affected by the disapplication (see section 41(2), Applications: procedure).