



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 1

PROTECTION OF ADULTS AT RISK OF HARM

Assessment orders

11 Assessment orders

- (1) A council may apply to the sheriff for an order (“an assessment order”) which authorises a council officer to take a specified person from a place being visited under section 7 in order to allow—
- (a) a council officer, or any council nominee, to interview the specified person in private, and
 - (b) a health professional nominated by the council to conduct a private medical examination of the specified person,
- for the purposes set out in subsection (2).
- (2) Those purposes are to enable or assist the council to decide—
- (a) whether the person is an adult at risk, and
 - (b) if it decides that the person is an adult at risk, whether it needs to do anything (by performing functions under this Part or otherwise) in order to protect the person from harm.
- (3) An assessment order—
- (a) is valid from the date specified in the order, and
 - (b) expires 7 days after that date.

12 Criteria for granting assessment order

The sheriff may grant an assessment order only if satisfied—

- (a) that the council has reasonable cause to suspect that the person in respect of whom the order is sought is an adult at risk who is being, or is likely to be, seriously harmed,
- (b) that the assessment order is required in order to establish whether the person is an adult at risk who is being, or is likely to be, seriously harmed, and
- (c) as to the availability and suitability of the place at which the person is to be interviewed and examined.

13 Restriction on exercise of assessment order

A person may be taken from a place in pursuance of an assessment order only if it is not practicable (due to a lack of privacy or otherwise) to—

- (a) interview the person under section 8, or
 - (b) conduct a medical examination of the person under section 9,
- during a visit under section 7.