



# Adult Support and Protection (Scotland) Act 2007

2007 asp 10

## PART 1

### PROTECTION OF ADULTS AT RISK OF HARM

#### *Inquiries*

#### **4 Council's duty to make inquiries**

A council must make inquiries about a person's well-being, property or financial affairs if it knows or believes—

- (a) that the person is an adult at risk, and
- (b) that it might need to intervene (by performing functions under this Part or otherwise) in order to protect the person's well-being, property or financial affairs.

#### **Commencement Information**

**II** S. 4 in force at 29.10.2008 by [S.S.I. 2008/314](#), [art. 2](#)

#### **5 Co-operation**

(1) This section applies to—

- (a) the Mental Welfare Commission for Scotland,
- <sup>[F1]</sup>(b) SCSWIS,]
- <sup>[F2]</sup>(ba) Healthcare Improvement Scotland,]
- (c) the Public Guardian,
- (d) all councils,
- <sup>[F3]</sup>(e) the chief constable of the Police Service of Scotland,]
- (f) the relevant Health Board, and

*Changes to legislation:* There are currently no known outstanding effects for the Adult Support and Protection (Scotland) Act 2007, Cross Heading: Inquiries. (See end of Document for details)

- (g) any other public body or office-holder as the Scottish Ministers may by order specify.
- (2) The public bodies and office-holders to which this section applies must, so far as consistent with the proper exercise of their functions, co-operate with—
- (a) a council making inquiries under section 4, and
  - (b) each other,
- where such co-operation is likely to enable or assist the council making those inquiries.
- (3) Where a public body or office-holder to which this section applies knows or believes—
- (a) that a person is an adult at risk, and
  - (b) that action needs to be taken (under this Part or otherwise) in order to protect that person from harm,
- the public body or office-holder must report the facts and circumstances of the case to the council for the area in which it considers the person to be.

#### Textual Amendments

- F1** S. 5(1)(b) substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 14 para. 20**; S.S.I. 2010/321, art. 3, Sch.; S.S.I. 2011/122, art. 2, Sch.
- F2** S. 5(1)(ba) inserted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), **Sch. 17 para. 35(a)**; S.S.I. 2010/321, art. 3, Sch.; S.S.I. 2011/122, art. 2, Sch.
- F3** S. 5(1)(e) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 35(2)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

#### Commencement Information

- I2** S. 5 in force at 29.10.2008 by [S.S.I. 2008/314](#), art. 2

## 6 Duty to consider importance of providing advocacy and other services

- (1) This section applies where, after making inquiries under section 4, a council considers that it needs to intervene in order to protect an adult at risk from harm.
- (2) Where this section applies, the council must have regard to the importance of the provision of appropriate services (including, in particular, independent advocacy services) to the adult concerned.
- (3) “Independent advocacy services” has the same meaning in subsection (2) as it has in section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).

#### Commencement Information

- I3** S. 6 in force at 29.10.2008 by [S.S.I. 2008/314](#), art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Adult Support and Protection (Scotland) Act 2007, Cross Heading: Inquiries.