



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

## PART 1

### PROTECTION OF ADULTS AT RISK OF HARM

#### *Other provisions*

#### 53 Interpretation of Part 1

(1) In this Part—

- “adult” means an individual aged 16 or over,
- “adult at risk” has the meaning given by section 3,
- “Adult Protection Committee” means a committee established under section 42,
- “assessment order” has the meaning given by section 11,
- “attorney” means a continuing attorney or welfare attorney (within the meaning of the Adults with Incapacity (Scotland) Act 2000 (asp 4)),
- “banning order” has the meaning given by section 19,
- “Care Commission” means the Scottish Commission for the Regulation of Care,
- “child” means an individual under the age of 16,
- “conduct” includes neglect and other failures to act,
- “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39); and references to a council in relation to any person known or believed to be an adult at risk are references to the council for the area which the person is for the time being in,
- “council officer” means an individual appointed by a council under section 64 of the Local Government (Scotland) Act 1973 (c. 65) (but “council officer” must, where relevant, also be interpreted in accordance with any order made under section 52(1)),
- “court day” means a day which is not—
  - (a) a Saturday,
  - (b) a Sunday, or

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*Status: This is the original version (as it was originally enacted).*

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- (c) a court holiday prescribed for the relevant court under section 8 of the Criminal Procedure (Scotland) Act 1995 (c. 46),
- “doctor” means a fully registered person within the meaning of the Medical Act 1983 (c. 54),
- “fiscal” means the procurator fiscal,
- “harm” includes all harmful conduct and, in particular, includes—
  - (a) conduct which causes physical harm,
  - (b) conduct which causes psychological harm (for example: by causing fear, alarm or distress),
  - (c) unlawful conduct which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion),
  - (d) conduct which causes self-harm,
- “health professional” has the meaning given by section 52(2),
- “midwife” means an individual registered in the register maintained under article 5 of the Nurses and Midwives Order 2001 (S.I. 2002/253) by virtue of qualifications in midwifery,
- “nearest relative” has the meaning given by section 254 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13),
- “nurse” means an individual registered in the register maintained under article 5 of the Nurses and Midwives Order 2001 (S.I. 2002/253) by virtue of qualifications in nursing,
- “officer in charge” has the meaning given by section 29(1)
- “parental responsibilities and rights” has the same meaning as in the Children (Scotland) Act 1995 (c. 36),
- “prescribed” means prescribed by rules of court,
- “primary carer” has the same meaning as in the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13),
- “relevant Health Board”, in relation to any council, means any Health Board or Special Health Board constituted by order under section 2 of the National Health Service (Scotland) Act 1978 (c. 29) which exercises functions in relation to the council’s area,
- “removal order” has the meaning given by section 14,
- “specified”, in relation to any order or warrant, means specified in the order or warrant,
- “temporary banning order” has the meaning given by section 21,
- “visit” has the meaning given by subsection (2),
- “warrant for entry” has the meaning given by section 37.

- (2) References in this Part to visiting any place are, unless the contrary intention appears, to be read as references to a council officer exercising a right of entry conferred by section 7, 16 or 18 (including any such right which is authorised by a warrant for entry).