



# Adult Support and Protection (Scotland) Act 2007

2007 asp 10

## PART 1

### PROTECTION OF ADULTS AT RISK OF HARM

#### *Banning orders*

#### **19 Banning orders**

- (1) A banning order is an order granted by the sheriff which bans the subject of the order (“the subject”) from being in a specified place.
- (2) A banning order may also—
  - (a) ban the subject from being in a specified area in the vicinity of the specified place,
  - (b) authorise the summary ejection of the subject from the specified place and the specified area,
  - (c) prohibit the subject from moving any specified thing from the specified place,
  - (d) direct any specified person to take specified measures to preserve any moveable property owned or controlled by the subject which remains in the specified place while the order has effect,
  - (e) be made subject to any specified conditions,
  - (f) require or authorise any person to do, or to refrain from doing, anything else which the sheriff thinks necessary for the proper enforcement of the order.
- (3) A condition specified in a banning order may, in particular, authorise the subject to be in the place or area from which the subject is banned in specified circumstances (for example, while being supervised by another person or during specified times).
- (4) The sheriff must, before including a condition of the type mentioned in subsection (3), have regard to any relevant representations made by—
  - (a) the applicant for the order,
  - (b) the adult at risk,

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*Status: This is the original version (as it was originally enacted).*

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- (c) any other person who has an interest in the adult at risk's well-being or property, and
  - (d) the subject.
- (5) A banning order expires on the earliest of the following dates—
- (a) any specified expiry date,
  - (b) if the banning order is recalled, the date on which it is recalled,
  - (c) the date which falls 6 months after the date on which it is granted.