



# Adult Support and Protection (Scotland) Act 2007

2007 asp 10

## PART 1

### PROTECTION OF ADULTS AT RISK OF HARM

#### *Other provisions*

#### **51 Appeals**

- (1) No appeal is competent against the granting of—
  - (a) an assessment order,
  - (b) a removal order, or
  - (c) a warrant for entry.
- (2) Any decision of a sheriff to grant, or to refuse to grant, a banning order or temporary banning order may be appealed to the sheriff principal.

But an appeal under this subsection against the granting of, or a refusal to grant, a temporary banning order is competent only with leave of the sheriff.
- (3) The sheriff principal's decision on an appeal under subsection (2) may be appealed to the Court of Session.

But an appeal under this subsection against a decision relating to a temporary banning order is competent only with leave of the sheriff principal.
- (4) Where a sheriff principal decides to quash a banning order or temporary banning order, the order concerned is (despite the sheriff principal's determination) to continue to have effect until—
  - (a) the end of the period during which the decision to quash the order may be appealed to the Court of Session (if no such appeal is made),
  - (b) where such an appeal is made, the day on which—
    - (i) the appeal is abandoned, or

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**Changes to legislation:** There are currently no known outstanding effects for the Adult Support and Protection (Scotland) Act 2007, Section 51. (See end of Document for details)

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- (ii) the Court of Session confirms the sheriff principal's decision to quash the order, or
- (c) any other day on which—
  - (i) the order otherwise expires by virtue of section 19(5) or 21(4), or
  - (ii) in the case of a temporary banning order, the sheriff principal refuses leave to appeal against the decision to quash the order.

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**Commencement Information**

**II** S. 51 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, Section 51.