



# Adult Support and Protection (Scotland) Act 2007

2007 asp 10

## PART 1

### PROTECTION OF ADULTS AT RISK OF HARM

#### *Removal orders*

#### 14 Removal orders

- (1) A council may apply to the sheriff for an order (“a removal order”) which authorises—
  - (a) a council officer, or any council nominee, to move a specified person to a specified place within 72 hours of the order being made, and
  - (b) the council to take such reasonable steps as it thinks fit for the purpose of protecting the moved person from harm.
- (2) A removal order expires 7 days (or such shorter period as may be specified in the order) after the day on which the specified person is moved in pursuance of the order.

#### Commencement Information

II S. 14 in force at 29.10.2008 by S.S.I. 2008/314, art. 2

#### 15 Criteria for granting removal order

- (1) The sheriff may grant a removal order only if satisfied—
  - (a) that the person in respect of whom the order is sought is an adult at risk who is likely to be seriously harmed if not moved to another place, and
  - (b) as to the availability and suitability of the place to which the adult at risk is to be moved.
- (2) A removal order may require a council to allow any specified person to have contact with the adult at risk to whom the order relates—

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

- (a) at any specified time during which the order has effect, and
  - (b) in accordance with any specified conditions.
- (3) But the sheriff must, before including such a requirement, have regard to—
- (a) any representations made by the council as to whether persons should be allowed to have contact with the adult at risk, and
  - (b) any relevant representations made by—
    - (i) the adult at risk,
    - (ii) any person who wishes to be able to have contact with the adult at risk, and
    - (iii) any other person who has an interest in the adult at risk's well-being or property.

**Commencement Information**

**I2** S. 15 in force at 29.10.2008 by S.S.I. 2008/314, art. 2

**16 Right to move adult at risk**

- (1) A council officer may enter any place in order to move an adult at risk from the place in pursuance of a removal order.
- (2) A right to enter any place under subsection (1) includes a right to enter any adjacent place for the same purpose.

**Commencement Information**

**I3** S. 16 in force at 29.10.2008 by S.S.I. 2008/314, art. 2

**17 Variation or recall of removal order**

- (1) The sheriff may vary or recall a removal order if satisfied that the variation or recall is justified by a change in the facts or circumstances in respect of which the order was granted or, as the case may be, last varied.
- (2) A removal order may not be varied so as to authorise the council to do anything after the day which falls 7 days after the day on which the adult at risk to whom the order relates is moved in pursuance of the order.
- (3) Where an adult at risk has been moved from any place in pursuance of a removal order which is recalled, the sheriff may direct the council to—
  - (a) return the adult to that place, or
  - (b) take the adult to any other place which the sheriff, having regard to the adult's wishes, may specify.
- (4) A removal order may be varied or recalled only on the application of—
  - (a) the adult at risk to whom the order relates,
  - (b) any person who has an interest in the adult at risk's well-being or property, or
  - (c) the council.

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**Commencement Information**

**I4** S. 17 in force at 29.10.2008 by S.S.I. 2008/314, art. 2

**18 Protection of moved person's property**

- (1) The council must take reasonable steps to prevent any property owned or controlled by a person moved in pursuance of a removal order from being lost or damaged because—
  - (a) the moved person is unable to protect, care for or otherwise deal with it, and
  - (b) no other suitable arrangements have been or are being made for the purposes of preventing such loss or damage.
- (2) A council officer may enter any place which the council knows or believes to contain any property in respect of which it has a duty under subsection (1) in order to enable or assist the council to perform that duty.
- (3) A right to enter any place under subsection (2) includes a right to enter any adjacent place for the same purpose.
- (4) A council officer who finds any property in respect of which the council has a duty under subsection (1) may do anything which the officer considers reasonably necessary in order to prevent the property from being lost or damaged (and may, in particular, move the property to another place).
- (5) The council is not entitled to recover from a moved person any expenses it incurs in performing functions under this section in relation to property owned or controlled by that person.
- (6) The duty imposed by subsection (1) applies only while the removal order concerned has effect.
- (7) A council which moves any property in pursuance of the duty imposed by subsection (1) must, as soon as is reasonably practicable after the removal order concerned ceases to have effect, return the property to the adult concerned.

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**Commencement Information**

**I5** S. 18 in force at 29.10.2008 by S.S.I. 2008/314, art. 2

**Changes to legislation:**

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