



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 1

PROTECTION OF ADULTS AT RISK OF HARM

Investigations

7 Visits

- (1) A council officer may enter any place for the purpose of enabling or assisting a council conducting inquiries under section 4 to decide whether it needs to do anything (by performing functions under this Part or otherwise) in order to protect an adult at risk from harm.
- (2) A right to enter any place under subsection (1) includes a right to enter any adjacent place for the same purpose.

8 Interviews

- (1) A council officer, and any person accompanying the officer, may interview, in private, any adult found in a place being visited under section 7.
- (2) An adult interviewed under this section is not required to answer any question (and the adult must be informed of that fact before the interview starts).
- (3) The power given by subsection (1) applies regardless of whether the sheriff has granted an assessment order authorising the council officer to take the person to another place to allow an interview to be conducted.

9 Medical examinations

- (1) Where—
 - (a) a council officer finds a person whom the officer knows or believes to be an adult at risk in a place being visited under section 7, and

Status: This is the original version (as it was originally enacted).

- (b) the officer, or any person accompanying the officer, is a health professional, that health professional may conduct a private medical examination of the person.
- (2) A person must be informed of the right to refuse to be examined before a medical examination is carried out (whether under this section or in pursuance of an assessment order).
- (3) The power given by subsection (1) applies regardless of whether the sheriff has granted an assessment order authorising the council officer to take the person to another place to allow a medical examination to be conducted.

10 Examination of records etc.

- (1) A council officer may require any person holding health, financial or other records relating to an individual whom the officer knows or believes to be an adult at risk to give the records, or copies of them, to the officer.
- (2) Such a requirement may be made during a visit or at any other time.
- (3) Requirements made at such other times must be made in writing.
- (4) Records given to a council officer in pursuance of such a requirement may be inspected by—
 - (a) the officer, and
 - (b) any other person whom the officer, having regard to the content of the records, considers appropriate,for the purposes of enabling or assisting the council to decide whether it needs to do anything (by performing functions under this Part or otherwise) in order to protect an adult at risk from harm.
- (5) Nothing in this section authorises a person who is not a health professional to inspect health records (other than to determine whether they are health records).
- (6) A requirement under subsection (1) which is transmitted by electronic means is to be treated as being in writing if it is received in legible form and capable of being used for subsequent reference.
- (7) “Health records” are records relating to an individual’s physical or mental health which have been made by or on behalf of a health professional in connection with the care of the individual.