
STATUTORY INSTRUMENTS

2017 No. 1199 (L. 20)

**MAGISTRATES' COURTS,
ENGLAND AND WALES**

**The Magistrates' Courts (Adult Protection
and Support Orders) Rules 2017**

Made - - - - 30th November 2017

Laid before Parliament 4th December 2017

Coming into force in accordance with rule 1

The Lord Chief Justice, with the concurrence of the Lord Chancellor, makes the following Rules in exercise of the powers conferred by section 144 of the Magistrates' Courts Act 1980⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Adult Protection and Support Orders) Rules 2017.

(2) These Rules come into force on 1st December 2017, or, if later, on the 21st day after the day on which they are laid before Parliament.

(3) In these Rules—

- (a) “the 2014 Act” means the Social Services and Well-being (Wales) Act 2014⁽²⁾;
- (b) “adult at risk” has the meaning given in section 126(1) of the 2014 Act;
- (c) “authorised officer” has the meaning given in section 127(9) of the 2014 Act; and
- (d) “local authority” has the meaning given in section 197(1) of the 2014 Act.

Application for adult protection and support order

2. An authorised officer who applies for an adult protection and support order under section 127 of the 2014 Act must—

(1) 1980 c. 43. Section 144 has been amended by the Access to Justice Act 1999 (c. 22), Schedule 11, paragraphs 26 and 29; the Courts Act 2003 (c. 39), Schedule 8, paragraph 245 and Schedule 10; the Constitutional Reform Act 2005 (c. 4), Schedule 4, paragraphs 99 and 102; the Legal Services Act 2007 (c.29), Schedule 21, paragraphs 42 and 43; the Crime and Courts Act 2013 (c.22), Schedule 10, paragraphs 39, 52 and 99; and by S.I. 2012/2398, article 3(2), Schedule 2, paragraph 1.

(2) 2014 anaw 4.

- (a) specify the premises within the local authority's area at which the person suspected of being an adult at risk is living;
- (b) explain why the order is needed, and in particular the reasons why—
 - (i) there is reasonable cause to suspect that a person is an adult at risk;
 - (ii) it is necessary to gain access to that person in order properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) of the 2014 Act on what, if any, action should be taken;
 - (iii) an order is necessary in order to fulfil the purposes set out in section 127(2) of the 2014 Act; and
 - (iv) exercising the power of entry conferred by the order will not result in the person being at greater risk of abuse or neglect;
- (c) specify the period for which it is proposed the order should be in force;
- (d) specify any other conditions which it would be appropriate to attach to the order, or (as the case may be) explain why no other conditions are required; and
- (e) propose the terms of the order.

21st November 2017

Sir Ian Burnett
Lord Chief Justice

I agree

30th November 2017

Dominic Raab
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision for applications for adult protection and support orders under section 127 of the Social Services and Well-being (Wales) Act 2014. The purpose of such orders, set out in section 127(2), is to enable an authorised officer (a person authorised for this purpose by a local authority in Wales) to speak in private to a person living in any premises within the local authority's area who is thought to be an adult at risk (an adult who is experiencing or is at risk of abuse or neglect, has needs for care and support and as a result of those needs is unable to protect himself or herself against the neglect or abuse or risk of it), so that the authorised officer can establish whether the person is making decisions freely, whether he or she is an adult at risk, whether any action should be taken, and if so what action.

When an adult protection and support order is in force, the authorised officer, a constable (if necessary) or any other person specified in the order has the power to enter the premises where the suspected adult at risk is living, for the purposes in section 127(2).

An application for an adult protection and support order is made by an authorised officer to a justice of the peace, and section 127 sets out the grounds on which an order may be made, the matters which must be specified in any such order and other matters which may be specified. These Rules specify the information which the authorised officer must provide in the application, to enable the justice of the peace to determine whether the grounds for making an order are made out, and if so what should be included in the order.

An impact assessment has not been prepared for this instrument as no impact on the voluntary or private sectors is foreseen.