

Legislation that permits certain individuals entry into someone's home

These measures are undertaken only where there is considered to be serious risk of danger or harm.

Children (Scotland) Act 1995

Section 55 – Child Assessment Order. The Sheriff authorises a compulsory assessment of a child at a specified place. This may or may not require entering the child's home

Section 57 – Child Protection Order. Measures may involve removal of child to a place of safety which may or may not require entering the child's home.

Section 61 – Emergency Child Protection measures. A Justice of the Peace may make this order which may involve removal of child at risk of harm to a place of safety if a Sheriff is not available to make a Child Protection Order; this may or may not require entering the child's home.

Mental Health (Care and Treatment) Act 2003

Several sections of this act may or may not require entering an individual's home without their permission. These include:

Sections 33 and 35 – Under Section 33 the local authority has a responsibility to inquire when an individual over 16 with a mental disorder may have been exposed to ill-treatment, neglect or some other deficiency in care or treatment. Section 35 provides for a warrant for a Mental Welfare Officer, Police Officer and/or other specified people to enter the premises of that person where permission has been refused or where they have been otherwise unable to enter.

Sections 36 and 44 - involve compulsory detention of individuals in hospital

Section 57 is a compulsory treatment order. Section 67 authorises the compulsory detention of a person on a compulsory treatment order at a place specified in the order, if they have otherwise failed to comply with the order.

Adult Support and Protection (Scotland) Act 2007

Section 11 – Assessment Order. A Sheriff may grant an assessment order to allow a council officer to undertake an assessment to determine whether a person is an adult at risk and whether an order is required to protect them from harm. This is granted if this is the best or only way to obtain an assessment.

Section 14 – Removal Order. A Sheriff may grant a council the power to remove an adult at risk to a specified place.

Section 19 – Banning Order. A Sheriff may grant an order to ban a specified person from a place occupied by an adult at risk.