



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Safeguarding adults at risk of abuse or neglect

47 Protecting property of adults being cared for away from home

- (1) This section applies where—
 - (a) an adult is having needs for care and support met under section 18 or 19 in a way that involves the provision of accommodation, or is admitted to hospital (or both), and
 - (b) it appears to a local authority that there is a danger of loss or damage to movable property of the adult's in the authority's area because—
 - (i) the adult is unable (whether permanently or temporarily) to protect or deal with the property, and
 - (ii) no suitable arrangements have been or are being made.
- (2) The local authority must take reasonable steps to prevent or mitigate the loss or damage.
- (3) For the purpose of performing that duty, the local authority—
 - (a) may at all reasonable times and on reasonable notice enter any premises which the adult was living in immediately before being provided with accommodation or admitted to hospital, and
 - (b) may deal with any of the adult's movable property in any way which is reasonably necessary for preventing or mitigating loss or damage.
- (4) A local authority may not exercise the power under subsection (3)(a) unless—
 - (a) it has obtained the consent of the adult concerned or, where the adult lacks capacity to give consent, the consent of a person authorised under the Mental Capacity Act 2005 to give it on the adult's behalf, or

Status: This is the original version (as it was originally enacted).

- (b) where the adult lacks capacity to give consent and there is no person so authorised, the local authority is satisfied that exercising the power would be in the adult's best interests.
- (5) Where a local authority is proposing to exercise the power under subsection (3)(a), the officer it authorises to do so must, if required, produce valid documentation setting out the authorisation to do so.
- (6) A person who, without reasonable excuse, obstructs the exercise of the power under subsection (3)(a)—
 - (a) commits an offence, and
 - (b) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) A local authority may recover from an adult whatever reasonable expenses the authority incurs under this section in the adult's case.