

*These notes relate to the Adults with Incapacity (Scotland)
Act 2000 (asp 4) which received Royal Assent on 9 May 2000*

ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Part 1: General

Intimation

Section 11: Intimation not required in certain circumstances

51. Rules of Court made under the Act will provide generally that adults should be told of all applications to the court about their affairs. The Act provides that adults should also be told whenever the court makes an order about them. This is to ensure that the adult has the chance to express their views to the court before any decisions are made and to be fully aware of arrangements for decisions to be made on their behalf. Subsection (1) allows the sheriff, however, to decide that information about applications or orders should not be given to the adult if such an intimation would be likely to put the adult's health at serious risk. For example, the sheriff might decide on the basis of medical evidence that notifying the adult would be likely to lead to self-harm. In such a case, the sheriff may direct that the adult should not be informed of the matter before the court
52. Subsection (2) allows the Public Guardian, on similar grounds, to dispense with intimations to the adult that would otherwise be required under the legislation.