

*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**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 5: Medical Treatment and Research**

##### ***Section 49: Medical treatment where there is an application for intervention or guardianship order***

183. This section covers circumstances in which an application has been made for an intervention order or a guardianship order under Part 6 that would confer powers to consent or refuse consent to the treatment in question.
184. Subsection (1) provides that the general authority to treat shall not apply in such circumstances, where the application is known to the person responsible for treating the adult with incapacity, and where the outcome of the application has not been determined.
185. Subsection (2) permits treatment to save life or to prevent a serious deterioration in health in such circumstances until the application is finally determined.
186. Subsection (3) provides that notwithstanding subsection (2), no medical treatment may be given if a court order prohibiting such treatment has been granted and is in force.