



Adults with Incapacity (Scotland) Act 2000 2000 asp 4

PART 6

INTERVENTION ORDERS AND GUARDIANSHIP ORDERS

Guardianship orders

60 Renewal of guardianship order by sheriff

- (1) At any time before the end of a period in respect of which a guardianship order has been made or renewed, an application may be made to the sheriff under this section by the guardian for the renewal of such order, and where such an application is so made, the order shall continue to have effect until the application is determined.
- (2) Where it appears to the local authority that an application for renewal of a guardianship order under subsection (1) is necessary but that no such application has been made or is likely to be made, they shall apply under subsection (1) for the renewal of such an order and, where such an application is so made, the order shall continue to have effect until the application is determined.
- (3) Section 57(3) shall apply for the purposes of an application made under this section as it applies for the purposes of an application made under that section; and for the purposes of so applying that subsection references to the appointment of a guardian (however expressed) shall be construed as references to the continuation of appointment.
- (4) Section 58 shall apply to an application under this section as it applies to an application under section 57; and for the purposes of so applying that section—
 - (a) references to the making of a guardianship order and the appointment of a guardian (however expressed) shall be construed as references to, respectively, the renewal of the order and the continuation of appointment;
 - (b) for subsection (4) there shall be substituted—

“(4) Where the sheriff grants an application under section 60, he may continue the guardianship order for a period of 5 years or for such

Status: This is the original version (as it was originally enacted).

other period (including an indefinite period) as, on cause shown, he may determine.”.

- (5) Where the sheriff refuses an application under this section, the sheriff clerk shall forthwith send a copy of the interlocutor containing the refusal to the Public Guardian who shall—
- (a) enter prescribed particulars in the register maintained by him under section 6(2)(b)(iv); and
 - (b) notify the adult and the local authority and (in a case where the adult’s incapacity is by reason of, or reasons which include, mental disorder and the guardianship order relates to the adult’s personal welfare or factors which include it) the Mental Welfare Commission.