

These notes relate to the Adult Support and Protection (Scotland) Act 2007 (asp 10) which received Royal Assent on 21 March 2007

ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 2

Adults With Incapacity

Section 55 - Applications and proceedings: sheriff to consider adult's wishes and feelings

88. **Section 55** inserts new subsections (5A) and (5B) into section 3 of the 2000 Act. Subsection (5A) provides that sheriffs must take into account any views expressed on behalf of an incapable adult by a person providing independent advocacy services in all types of applications and proceedings under the 2000 Act. Subsection 3(5B) provides that “independent advocacy services” has the same meaning as it has in section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003.