



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 2

ADULTS WITH INCAPACITY

56 Orders about incapable adults' nearest relatives

- (1) Section 4 (orders about functions of nearest relative etc.) of the 2000 Act is amended as follows.
- (2) In subsection (1)—
 - (a) the words “On an application by an adult,” are repealed,
 - (b) for “the adult”, where first occurring, substitute “an adult with incapacity”,
 - (c) in paragraph (b), for “application” substitute “order”.
- (3) In subsection (3), the words “, on an application by an adult,” are repealed.
- (4) After subsection (3) insert—

“(3A) The court may make an order under subsection (1) or (3) only on the application of—

 - (a) the adult to whom the application relates; or
 - (b) any person claiming an interest in that adult’s property, financial affairs or personal welfare.

(3B) The court may dispose of an application for an order under subsection (1) or (3) by making—

 - (a) the order applied for; or
 - (b) such other order under this section as it thinks fit.”.
 - (5) Subsection (4) is repealed.