



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 2

ADULTS WITH INCAPACITY

59 Intervention orders

- (1) In section 53 (intervention orders) of the 2000 Act—
 - (a) in subsection (4), for “Section 57(3) and (4)” substitute “Subsections (3), (3A), (3B) and (4) of section 57”,
 - (b) in subsection (7)—
 - (i) the word “and” and the words from “shall” to the end of paragraph (b) are repealed, and
 - (ii) after “caution”, where last occurring, insert “or to give such other security as the sheriff thinks fit”,
 - (c) in subsection (10)—
 - (i) the word “and” which immediately follows paragraph (a) is repealed,
 - (ii) after paragraph (a) insert—
 - “(aa) when satisfied that the person authorised under the order has found caution or given other security if so required, issue a certificate of appointment to the person; and”,
 - (iii) in paragraph (b), after “Commission” insert “of the terms of the interlocutor”.
- (2) In section 55 (notice of change of address), for the words from “notify”, where first occurring, to “Guardian”, where second occurring, substitute “, not later than 7 days after any change of the person’s or the adult’s address, notify the Public Guardian of the change who”.
- (3) After section 56 insert—

“56A Death of person authorised to intervene

Where a person authorised under an intervention order dies, the person’s personal representatives shall, if aware of the existence of the authority, notify the Public Guardian who shall—

- (a) notify—
 - (i) the adult;
 - (ii) the local authority; and
 - (iii) in a case where the adult’s incapacity is by reason of, or reasons which include, mental disorder and the intervention order relates to the adult’s personal welfare or factors including it, the Mental Welfare Commission; and
- (b) enter prescribed particulars in the register maintained under section 6(2)(b)(v).”.