



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 1

GENERAL

The Mental Welfare Commission

9 Functions of the Mental Welfare Commission

- (1) Without prejudice to their functions under the 1984 Act, the Mental Welfare Commission shall have the following general functions under this Act in relation to any adult to whom this Act applies by reason of, or by reasons which include, mental disorder—
- (a) to exercise protective functions in respect of the adult if the adult is the subject of an intervention or guardianship order, in so far as the order relates to the personal welfare of the adult;
 - (b) to visit the adult as often as they think appropriate and bring to the attention of the Health Board for the area in which the adult resides, or the local authority, or any other body any matter relating to the personal welfare of the adult which they consider ought to be brought to their attention;
 - (c) to consult the Public Guardian and any local authority on cases or matters relating to the exercise of functions under this Act in which there is, or appears to be, a common interest;
 - (d) where they are not satisfied with any investigation made by a local authority into a complaint made under section 10(1)(c), or where the local authority have failed to investigate the complaint, to receive and investigate any complaints relating to the exercise of functions relating to the personal welfare of the adult made—
 - (i) in relation to welfare attorneys;
 - (ii) in relation to guardians or persons authorised under intervention orders;
 - (e) to investigate any circumstances made known to them in which the personal welfare of the adult seems to them to be at risk;

Status: This is the original version (as it was originally enacted).

- (f) to investigate any circumstances made known to them in which the property of the adult may, by reason of the mental disorder of the adult, be exposed to a risk of loss or damage;
 - (g) to provide a guardian, welfare attorney or person authorised under an intervention order, when requested to do so, with information and advice in connection with the performance of his functions in relation to personal welfare under this Act.
- (2) A guardian or welfare attorney of such an adult or a person authorised under an intervention order in relation to such an adult or the local authority shall afford the Mental Welfare Commission all facilities necessary to enable them to carry out their functions in respect of the adult.
- (3) In subsection (1)(d) any reference to—
- (a) a guardian shall include a reference to a guardian (however called) appointed under the law of any country to, or entitled under the law of any country to act for, an adult during his incapacity, if the guardianship is recognised by the law of Scotland;
 - (b) a welfare attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed) relating to the granter's personal welfare and having effect during the granter's incapacity.