SCOTTISH STATUTORY INSTRUMENTS

2002 No. 96

ADULTS WITH INCAPACITY

The Adults with Incapacity (Reports in Relation to Guardianship and Intervention Orders) (Scotland) Regulations 2002

Made - - - -	*5th March 2002*
Laid before the Scottish Parliament - - - -	*7th March 2002*
Coming into force - -	*1st April 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 57(3) and 86(2) of the Adults with Incapacity (Scotland) Act 2000(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Adults with Incapacity (Reports in Relation to Guardianship and Intervention Orders) (Scotland) Regulations 2002 and shall come into force on 1st April 2002.

Interpretation

2. Any reference in these Regulations–

(a) to a numbered section is a reference to the section bearing that number in the Adults with Incapacity (Scotland) Act 2000; and

(b) to a numbered Schedule is a reference to the Schedule bearing that number in these Regulations.

Report from medical practitioner

3. The reports by medical practitioners under section 57(3)(a) in relation to an application for–

(a) a guardianship order;

(b) renewal of a guardianship order; or

(c) an intervention order,

(**1**) 2000 asp 4; see section 87(1) for the definition of "prescribed" and section 86(1) as to the power to make regulations. Sections 53(4) and 60(3) apply section 57(3) to intervention orders and renewals of guardianship orders respectively.

shall be in the form set out in Schedule 1.

Report from mental health officer

4. A report by the mental health officer under section 57(3)(b) in relation to an application for–

(a) a guardianship order shall be in the form set out in Schedule 2;

(b) renewal of a guardianship order shall be in the form set out in Schedule 3; and

(c) an intervention order shall be in the form set out in Schedule 4.

Report from chief social work officer

5. A report by the chief social work officer under section 57(3)(b) in relation to an application for–

(a) a guardianship order shall be in the form set out in Schedule 5;

(b) renewal of a guardianship order shall be in the form set out in Schedule 6; and

(c) an intervention order shall be in the form set out in Schedule 7.

Report from person with sufficient knowledge

6. A report, by a person with sufficient knowledge as to the matters referred to in section 57(3)(b)(i) and (ii), under section 57(3)(c) in relation to an application for–

(a) a guardianship order shall be in the form set out in Schedule 8;

(b) renewal of a guardianship order shall be in the form set out in Schedule 9; and

(c) an intervention order shall be in the form set out in Schedule 10.

St Andrew's House,Edinburgh
5th March 2002

JAMES R WALLACE
A member of the Scottish Executive

SCHEDULE 1 Regulation 3

Report of incapacity to accompany
*application for guardianship**
*application for renewal of guardianship**
*application for intervention order**

AWI[1]
ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000
Section 57(3)(a)

PART A DETAILS OF REPORT WRITER AND ADULT

I _____ (name)

being a medical practitioner with the following professional address:

_____ (state full postal address for contact)

Telephone _____ E-mail _____

[*complete the following box if applicable*[1]*; otherwise, delete*]

and being approved by the _____ Health Board for the purposes of section 20 of the Mental Health (Scotland) Act 1984 as having special experience in the diagnosis or treatment of mental disorder,

hereby confirm that I examined and assessed the following adult ("the adult")

Name _____

Residing at _____ (state full postal address)

Date of birth _____

On _____ (give date of examination and assessment)

* delete the two which do not apply

[1] Where the incapacity is by reason of mental disorder, one of the medical practitioners must be approved for the purposes of section 20 of the 1984 Act as having special experience in the diagnosis or treatment of mental disorder (section 57 (3)(a) of the Act)

PART B PURPOSE OF EXAMINATION AND ASSESSMENT

The examination and assessment was in connection with a proposed application for (tick whichever applies)

A guardianship order*/renewal of guardianship order*/an intervention order

a) with power over personal welfare ☐

b) with power over property and/or financial affairs ☐

c) with power over personal welfare, property and/or financial affairs. ☐

Name of applicant or person requesting report

Name(s) of person or persons nominated in application (if known)

PART C FINDINGS OF EXAMINATION AND ASSESSMENT

On the basis of my examination and assessment I am of the opinion that the adult named in Part A has

(tick box for whichever of the following applies and add comments on nature

a) Mental disorder[2] ☐

Nature

And /or

b) Inability to communicate because of physical disability ☐

Nature

* delete the two which do not apply

[2] mental disorder means mental illness (including personality disorder) or mental handicap however caused or manifested; but an adult shall not be treated as suffering from mental disorder by reason only of promiscuity or other immoral conduct, sexual deviancy, dependence on alcohol or drugs, or acting as no prudent person would act.

I am of the opinion that the condition mentioned in Part C has impaired the capacity of the adult named in Part A to make decisions about or to act to safeguard or promote his/her interests in his/her property, financial affairs or personal welfare in relation to the matters covered in the proposed application. The reason for my opinion is given below.

Please indicate the findings of your examination and assessment, so far as they relate to the adult's capacity in relation to the matters which are the subject of the application.

Please indicate the likely duration of the incapacity

Please indicate the extent to which you have been able to communicate with the adult,

Please indicate the extent to which you have been able to consult the nearest relative, primary carer, and anyone else having an interest in, or knowledge of, the adult.