SCOTTISH STATUTORY INSTRUMENTS

2001 No. 79

ADULTS WITH INCAPACITY

The Adults with Incapacity (Evidence in Relation to Dispensing with Intimation or Notification) (Scotland) Regulations 2001

Made - - - -	*7th March 2001*
Laid before the Scottish Parliament - - - -	*8th March 2001*
Coming into force - -	*2nd April 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 7(1)(d) 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 (Evidence in Relation to Dispensing with Intimation or Notification) (Scotland) Regulations 2001 and shall come into force on 2nd April 2001.

Evidence to be taken into account

2.—(1) For the purposes of section 11(2) of the Adults with Incapacity (Scotland) Act 2000, the evidence which the Public Guardian shall take into account when deciding whether to dispense with intimation or notification to the adult shall be two medical certificates stating that intimation or notification could be likely to pose a serious risk to the health of the adult.

(2) Those medical certificates shall be prepared by medical practitioners independent of each other.

(3) In any case where the incapacity of the adult is by reason of mental disorder, one of the two medical practitioners must be a medical practitioner approved for the purposes of section 20 of the Mental Health (Scotland) Act 1984(**2**) as having special experience in the diagnosis or treatment of mental disorder.

(**1**) 2000 asp 4. See section 87(1) for the definition of "prescribe".
(**2**) 1984 c. 36, as amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9 and the Adults with Incapacity Act 2000, section 88 and Schedule 5