

*These notes relate to the Adults with Incapacity (Scotland)
Act 2000 (asp 4) which received Royal Assent on 9 May 2000*

ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Part 2: Continuing Powers of Attorney and Welfare Powers of Attorney

Section 18: Power of attorney not granted in accordance with this Act

74. This section provides that after commencement of the Act, a power of attorney that is a continuing or welfare power of attorney intended to have effect during the granter's incapacity must be a validly granted continuing or welfare power of attorney according to this Act. This ensures that powers that continue on the granter's incapacity can only be granted by opting into the provisions in the Act.