



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 1

### GENERAL

#### *Judicial proceedings*

#### **4 Power of Court of Session or sheriff with regard to nearest relative**

- (1) On an application by an adult, the court may, having regard to section 1 and being satisfied that to do so will benefit the adult, make an order that—
- (a) certain information shall not be disclosed, or intimation of certain applications shall not be given, to the nearest relative of the adult;
  - (b) the functions of the nearest relative of the adult shall, during the continuance in force of the order, be exercised by a person, specified in the application, who is not the nearest relative of the adult but who—
    - (i) is a person who would otherwise be entitled to be the nearest relative in terms of this Act;
    - (ii) in the opinion of the court is a proper person to act as the nearest relative; and
    - (iii) is willing to so act; or
  - (c) no person shall, during the continuance in force of the order, exercise the functions of the nearest relative.
- (2) An order made under subsection (1) shall apply only to the exercise of the functions under this Act of the nearest relative.
- (3) The court may, on an application by an adult, make an order varying the terms of an order granted under subsection (1).
- (4) No application shall be made under this section by an adult who is not incapable within the meaning of this Act at the time of making the application.