



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 5

MEDICAL TREATMENT AND RESEARCH

49 Medical treatment where there is an application for intervention or guardianship order

- (1) [^{F1}Subsection (2) of section 47] shall not apply if, to the knowledge of the [^{F2}person on whom authority is conferred by that subsection], an application for an intervention order or a guardianship order with power in relation to any medical treatment referred to in that subsection has been made to the sheriff and has not been determined.
- (2) Until the application has been finally determined, medical treatment authorised by section 47(2) shall not be given unless it is authorised by any other enactment or rule of law for the preservation of the life of the adult or the prevention of serious deterioration in his medical condition.
- (3) Nothing in subsection (2) shall authorise the provision of any medical treatment where an interdict has been granted and continues to have effect prohibiting the provision of such medical treatment.

Textual Amendments

- F1** Words in s. 49(1) substituted (19.12.2005) by [Smoking, Health and Social Care \(Scotland\) Act 2005](#) (asp 13), [ss. 35\(3\)\(a\)](#), 43; S.S.I. 2005/492, [art. 3\(c\)](#)
- F2** Words in s. 49(1) substituted (19.12.2005) by [Smoking, Health and Social Care \(Scotland\) Act 2005](#) (asp 13), [ss. 35\(3\)\(b\)](#), 43; S.S.I. 2005/492, [art. 3\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 49.