
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 95

ADULTS WITH INCAPACITY

The Adults with Incapacity (Supervision of Welfare Guardians etc. by Local Authorities) (Scotland) Regulations 2002

<i>Made</i>	- - - -	<i>5th March 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th March 2002</i>
<i>Coming into force</i>	- -	<i>1st April 2002</i>

The Scottish Ministers, in exercise of the powers conferred by sections 10(3)(a) and (b)(i) 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 (Supervision of Welfare Guardians etc. by Local Authorities) (Scotland) Regulations 2002 and shall come into force on 1st April 2002.

Duties of local authority

2.—(1) Where a guardian with functions in relation to the personal welfare of an adult has been appointed for a period of one year or more the local authority shall arrange for—

- (a) that adult to be visited on behalf of the local authority from time to time but in any case within three months of the guardianship order being granted and thereafter at intervals of not more than three months; and
- (b) that guardian (except where the guardian is the chief social work officer) to be visited on behalf of the local authority from time to time but in any case at intervals of not more than three months.

(2) Where that guardian has been appointed for a period of less than one year the local authority shall arrange for the adult and guardian to be visited on behalf of the local authority—

- (a) within fourteen days before or after the midpoint of that period of appointment; and
- (b) within fourteen days before the end of that period of appointment.

(1) 2000 asp 4.

(3) Where the local authority is supervising a person authorised under an intervention order, it shall arrange for the adult who is the subject of the intervention order, and where appropriate the person authorised under the intervention order, to be visited on behalf of the local authority as often as required by the sheriff and, where no such requirement has been specified, at intervals of not more than one month for the period of time fixed by the sheriff for supervision by the local authority.

(4) Where the local authority considers it appropriate, any visit to the adult in accordance with this regulation may take place at the same time as a visit to the guardian or person authorised under an intervention order as the case may be.

(5) Where the circumstances of an adult are such that it is not possible for a local authority to visit that adult within the time periods specified in this regulation, that local authority shall visit the adult at a time as close to the time when the visit should have taken place, as the adult's circumstances will allow.

Information to be provided

3. For the purpose of enabling the local authority to carry out its supervisory functions—
 - (a) a guardian shall from time to time provide the local authority with any reports or other information about the personal welfare of the adult, or the exercise by that guardian of that guardian's powers in relation to the personal welfare of the adult, as the local authority may reasonably require; and
 - (b) a person authorised under an intervention order shall from time to time provide the local authority with any reports or other information about the personal welfare of the adult, or the exercise by that person of that person's functions, as the local authority may reasonably require.

Revocation

4. Regulations 4, 5, 6 and 7 of the Mental Health (Specified Treatments, Guardianship Duties etc.) (Scotland) Regulations 1984(2) are hereby revoked.

St Andrew's House,
Edinburgh
5th March 2002

JAMES R WALLACE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the duties of the local authority in relation to supervision of welfare guardians and persons authorised under intervention orders for the purposes of section 10 of the Adults with Incapacity (Scotland) Act 2000 (regulation 2).

The Regulations also prescribe the information to be provided by a welfare guardian or person authorised under an intervention order to a local authority to enable it to carry out its supervisory function (regulation 3).