

2002 No. 96

ADULTS WITH INCAPACITY

**The Adults with Incapacity (Reports in Relation to
Guardianship and Intervention Orders) (Scotland) Regulations
2002**

Made 5th March 2002

Laid before the Scottish Parliament 7th March 2002

Coming into force 1st April 2002

The Scottish Ministers, in exercise of the powers conferred by sections 57(3) and 86(2) of the Adults with Incapacity (Scotland) Act 2000(a) 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 (Reports in Relation to Guardianship and Intervention Orders) (Scotland) Regulations 2002 and shall come into force on 1st April 2002.

Interpretation

2. Any reference in these Regulations—
- (a) to a numbered section is a reference to the section bearing that number in the Adults with Incapacity (Scotland) Act 2000; and
 - (b) to a numbered Schedule is a reference to the Schedule bearing that number in these Regulations.

Report from medical practitioner

3. The reports by medical practitioners under section 57(3)(a) in relation to an application for—

- (a) a guardianship order;
- (b) renewal of a guardianship order; or
- (c) an intervention order,

shall be in the form set out in Schedule 1.

Report from mental health officer

4. A report by the mental health officer under section 57(3)(b) in relation to an application for—

- (a) a guardianship order shall be in the form set out in Schedule 2;
- (b) renewal of a guardianship order shall be in the form set out in Schedule 3; and
- (c) an intervention order shall be in the form set out in Schedule 4.

(a) 2000 asp 4; see section 87(1) for the definition of “prescribed” and section 86(1) as to the power to make regulations. Sections 53(4) and 60(3) apply section 57(3) to intervention orders and renewals of guardianship orders respectively.

Report from chief social work officer

5. A report by the chief social work officer under section 57(3)(b) in relation to an application for–

- (a) a guardianship order shall be in the form set out in Schedule 5;
- (b) renewal of a guardianship order shall be in the form set out in Schedule 6; and
- (c) an intervention order shall be in the form set out in Schedule 7.

Report from person with sufficient knowledge

6. A report, by a person with sufficient knowledge as to the matters referred to in section 57(3)(b)(i) and (ii), under section 57(3)(c) in relation to an application for–

- (a) a guardianship order shall be in the form set out in Schedule 8;
- (b) renewal of a guardianship order shall be in the form set out in Schedule 9; and
- (c) an intervention order shall be in the form set out in Schedule 10.

St Andrew's House,
Edinburgh
5th March 2002

JAMES R WALLACE
A member of the Scottish Executive

SCHEDULE 1

Report of incapacity to accompany

*application for guardianship**

*application for renewal of guardianship**

*application for intervention order**

AWI[1]

**ADULTS WITH INCAPACITY
(SCOTLAND) ACT 2000**

Section 57(3)(a)

PART A DETAILS OF REPORT WRITER AND ADULT

I (name)

being a medical practitioner with the following professional address:

(state full postal address for contact)

Telephone E-mail

[complete the following box if applicable¹; otherwise, delete]

and being approved by the Health Board
for the purposes of section 20 of the Mental Health (Scotland) Act 1984 as having special experience in the diagnosis or treatment of mental disorder,

hereby confirm that I examined and assessed the following adult (“the adult”)

Name

Residing at (state full postal address)

Date of birth

On (give date of examination and assessment)

* delete the two which do not apply

¹ Where the incapacity is by reason of mental disorder, one of the medical practitioners must be approved for the purposes of section 20 of the 1984 Act as having special experience in the diagnosis or treatment of mental disorder (section 57 (3)(a) of the Act)

SCHEDULE 1

PART B PURPOSE OF EXAMINATION AND ASSESSMENT

The examination and assessment was in connection with a proposed application for (tick whichever applies)

- A guardianship order*/renewal of guardianship order*/an intervention order
- a) with power over personal welfare
- b) with power over property and/or financial affairs
- c) with power over personal welfare, property and/or financial affairs.

Name of applicant or person requesting report

Name(s) of person or persons nominated in application (if known)

PART C FINDINGS OF EXAMINATION AND ASSESSMENT

On the basis of my examination and assessment I am of the opinion that the adult named in Part A has

(tick box for whichever of the following applies and add comments on nature

- a) Mental disorder²

Nature

And /or

- b) Inability to communicate because of physical disability

Nature

* delete the two which do not apply

² mental disorder means mental illness (including personality disorder) or mental handicap however caused or manifested; but an adult shall not be treated as suffering from mental disorder by reason only of promiscuity or other immoral conduct, sexual deviancy, dependence on alcohol or drugs, or acting as no prudent person would act.

SCHEDULE 1

I am of the opinion that the condition mentioned in Part C has impaired the capacity of the adult named in Part A to make decisions about or to act to safeguard or promote his/her interests in his/her property, financial affairs or personal welfare in relation to the matters covered in the proposed application. The reason for my opinion is given below.

Please indicate the findings of your examination and assessment, so far as they relate to the adult's capacity in relation to the matters which are the subject of the application.

Please indicate the likely duration of the incapacity

Please indicate the extent to which you have been able to communicate with the adult,

Please indicate the extent to which you have been able to consult the nearest relative, primary carer, and anyone else having an interest in, or knowledge of, the adult.

SCHEDULE 1

PART D

DECLARATION OF INTEREST

Delete (a) or (b)

(a) I am not related to the adult

(b) I am related to the adult being his /her (*state relationship*)

[Empty rectangular box for relationship details]

AND

Delete (c) or (d)

(c) I have no pecuniary interest
*in the appointment of a guardian or guardians**
*in the renewal of guardianship**
*in the intervention order sought**

(d) I have a pecuniary interest
*in the appointment of a guardian or guardians**
*in the renewal of guardianship**
*in the intervention order sought**
The nature and extent of that interest is

[Empty rectangular box for nature and extent of interest]

Signed³

[Empty rectangular box for signature]

Date

[Empty rectangular box for date]

* delete the two which do not apply.

³ Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 2

**Mental Health Officer's report to accompany application for guardianship relating to personal welfare *
personal welfare and property and/or financial affairs ***

**AWI[2]
ADULTS WITH INCAPACITY
(SCOTLAND) ACT 2000
Section 57(3)(b)**

PART A AUTHOR OF THE REPORT

I

am a Mental Health Officer appointed by

(Give full name of local authority for whom you are acting in this case and work address.)

Address

Tel No

E-mail

PART B THE ADULT

On (Give date of interview and assessment of the adult)

I interviewed and assessed the adult who is the subject of this application

(name)

(Give full name, address and date of birth of the adult, as on the application) of (address)

(DOB)

PART C THE APPLICANT

This report is written in relation to the application by

(state name of applicant)

* Delete the one which does not apply

SCHEDULE 2

PART D

APPROPRIATENESS OF THE ORDER APPLIED FOR

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible. Please comment fully on the adult's social circumstances.

I have read the application, have taken note of the powers sought and the period of guardianship being applied for. My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Will the proposed order be the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order?

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 2

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 2

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 2

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 2

Complete if applicable

6

Name:

Appointment (e.g. financial guardian):

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 2

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 2

PART E PROPOSED GUARDIAN'S SUITABILITY

[Do not complete if the proposed guardian is the Chief Social Work Officer.]

(If there is more than one proposed guardian with personal welfare powers please duplicate Part E and complete for each nominated person.)

Name of proposed guardian:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

1. Awareness of the adult's circumstances and conditions and of the needs arising from such circumstances and conditions.

2. Awareness of the functions of a guardian.

SCHEDULE 2

3. Accessibility to adult and primary carer.

4. Ability to carry out the functions of a guardian with personal welfare powers.

5. Any likely conflict of interest between the guardian and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6. Any undue concentration of power which is likely to arise in the proposed guardian over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 2

7. Any adverse effects which the appointment of the proposed guardian would have on the interests of the adult.

8. Any other matters which seem to you to be relevant¹.

¹ Where an application relates to both welfare and financial or property matters you should comment on the extent to which you have been able to cover the financial and/or property aspects of the application.

SCHEDULE 2

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the proposed guardian(s) are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b) (a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d) (c) I have no pecuniary interest in the appointment of a guardian or guardians

(d) I have a pecuniary interest in the appointment of a guardian or guardians

The nature and extent of that interest is

Signed²

Dated

² Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 3

Mental Health Officer's report to accompany application for renewal of guardianship relating to personal welfare* personal welfare and property and /or financial affairs*

AWI [3]
Adults with Incapacity (Scotland) Act 2000
Section 57(3)(b)

PART A AUTHOR OF THE REPORT

I

(Give full name, local authority for whom you are acting in this case, and work address.) am a Mental Health Officer appointed by

Address

Tel No

E-mail

PART B THE ADULT

On (Give date of interview and assessment of the adult)

I interviewed and assessed the adult who is the subject of this application

(Give full name, address and date of birth of the adult, as on the application) (name)

of (address)

(DOB)

PART C THE APPLICANT

This report is written in relation to the application by

(state name of applicant)

* Delete the one which does not apply

SCHEDULE 3

PART D

APPROPRIATENESS OF THE ORDER APPLIED FOR

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible. Please comment fully on the adult's social circumstances

I have read the application, have taken note of the powers sought and the renewal of guardianship being applied for. My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Will the proposed order be the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order?

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 3

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 3

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 3

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 3

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney ?

Name:

Appointment (e.g. financial guardian):

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 3

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 3

PART E PROPOSED GUARDIAN'S SUITABILITY

[Do not complete if the guardian is the Chief Social Work Officer.]

(If there is more than one guardian with personal welfare powers please duplicate Part E and complete for each guardian or proposed guardian.)

Name of proposed guardian:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

- 1.

- 2.

SCHEDULE 3

3 Accessibility to adult and primary carer.

4. Ability to carry out the functions of a guardian with personal welfare powers

5. Any likely conflict of interest between the guardian and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6. Any undue concentration of power which is likely to arise in the guardian over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 3

7. Any adverse effects which the reappointment of the guardian would have on the interests of the adult.

8. Any other matters which seem to you to be relevant.¹

¹ Where an application relates to both welfare and financial or property matters you should comment on the extent to which you have been able to cover the financial and/or property aspects of the application.

SCHEDULE 3

PART F: CONCLUSION

My general conclusions on the appropriateness of the renewal of guardianship and the suitability of the guardian(s) for reappointment are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b)

(a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d)

(c) I have no pecuniary interest in the appointment of a guardian or guardians

(d) I have a pecuniary interest in the appointment of a guardian or guardians

The nature and extent of that interest is

Signed²

Dated

² Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 4

Mental Health Officer's report to accompany application for intervention order relating to personal welfare* personal welfare and property and/or financial affairs*

AWI [4]
ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000
Section 57(3)(b)

PART A AUTHOR OF THE REPORT

I

(Give full name, local authority for whom you are acting in this case, and work address.)
I am a Mental Health Officer appointed by

Address

Tel No

E-mail

PART B THE ADULT

On (Give date of interview and assessment of the adult)

I interviewed and assessed the adult who is the subject of this application

(name)

(Give full name, address and date of birth of the adult, as on the application)

of (address)

(DOB)

PART C THE APPLICANT

This report is written in relation to the application by

(state name of applicant)

* Delete the one which does not apply

SCHEDULE 4

PART D

APPROPRIATENESS OF THE ORDER APPLIED FOR

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible. Please comment fully on the adult's social circumstances.

I have read the application, have taken note of the powers sought and the period being applied for (if applicable). My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Whether the proposed order is the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order.

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 4

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 4

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 4

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 4

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney?

Name:

Appointment (e.g. financial guardian):

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 4

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 4

PART E SUITABILITY OF PERSON NOMINATED TO BE AUTHORISED UNDER AN INTERVENTION ORDER

(Complete in cases where under section 53(5)(b) a person is nominated in the application to take action or make a decision, including those where the person nominated is an officer of the local authority.)

Name of nominee:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; These provide useful guidance as to what information should be contained in the report on the suitability of a person named in an application for an intervention order. Please therefore comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

1 Awareness of the adult’s circumstances and conditions and of the needs arising from such circumstances and conditions.

2 Awareness of the functions of a person authorised under an intervention order.

SCHEDULE 4

3 Accessibility to adult and primary carer.

4 Ability to carry out the functions of a person authorised under an intervention order with personal welfare powers.

5 Any likely conflict of interest between the person nominated and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6 Any undue concentration of power which is likely to arise in the person nominated over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 4

7 Any adverse effects which the appointment of the person nominated would have on the interests of the adult.

8 Any other matters which seem to you to be relevant.¹

¹ Where an application relates to both welfare and financial or property matters you should comment on the extent to which you have been able to cover the financial and/or property aspects of the application.

SCHEDULE 4

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the person nominated (if any) are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b) (a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d) (c) I have no pecuniary interest in the order sought

(d) I have a pecuniary interest in the order sought
The nature and extent of that interest is

Signed²

Dated

² Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 5

Chief Social Work Officer's report to accompany application for guardianship relating to personal welfare *personal welfare and property and/or financial affairs*

AWI [5] Adults with Incapacity (Scotland) Act 2000 Section 57(3)(b)

PART A AUTHOR OF THE REPORT

I []

am the Chief Social Work Officer of []

If there are any enquiries in connection with this report please contact

Name []

Position []

Address []

Tel No [] E-mail []

PART B THE ADULT

On [] (Give date of interview and assessment of the adult)

The following adult who is the subject of this application was assessed

[] (name)

(Give full name, address and date of birth of the adult, as on the application)

of [] (address)

[] (DOB)

PART C THE APPLICANT

This report is written in relation to the application by

(state name of applicant) []

* Delete the one which does not apply

SCHEDULE 5

PART D APPROPRIATENESS OF THE ORDER APPLIED FOR

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible. Please comment fully on the adult's social circumstances

I have read the application, have taken note of the powers sought and the period of guardianship being applied for. My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Will the proposed order be the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order?

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 5

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 5

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 5

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 5

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney?

Name:

Appointment
(e.g. financial guardian):

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 5

Complete if applicable

7 The views of any other relevant person which have been made known to you

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

Are there any other matters which seem to you to be relevant?

SCHEDULE 5

PART E PROPOSED GUARDIAN'S SUITABILITY

[Do not complete if the proposed guardian is the Chief Social Work Officer.]

(If there is more than one proposed guardian with personal welfare powers please duplicate Part E and complete for each nominated person.)

Name of proposed guardian:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

1.

2.

SCHEDULE 5

3. Accessibility to adult and primary carer.

4. Ability to carry out the functions of a guardian with personal welfare powers.

5. Any likely conflict of interest between the guardian and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6. Any undue concentration of power which is likely to arise in the proposed guardian over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 5

7. Any adverse effects which the appointment of the proposed guardian would have on the interests of the adult.

8. Any other matters which seem to you to be relevant.¹

¹ Where an application relates to both welfare and financial or property matters you should comment on the extent to which you have been able to cover the financial and/or property aspects of the application.

SCHEDULE 5

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the proposed guardian(s) are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b) (a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d) (c) I have no pecuniary interest in the appointment of a guardian or guardians

(d) I have a pecuniary interest in the appointment of a guardian or guardians

The nature and extent of that interest is

Signed²

Dated

² Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 10

Chief Social Work Officer's report to accompany application for renewal of guardianship relating to personal welfare* personal welfare and property and/or financial affairs*

AWI [6] ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 Section 57(3)(b)

PART A AUTHOR OF THE REPORT

I

am the Chief Social Work Officer of

If there are any enquiries in connection with this report please contact

Name

Position

Address

Tel No E-mail

PART B THE ADULT

On (Give date of interview and assessment of the adult)

The following adult who is the subject of this application was assessed

(Give full name, address and date of birth of the adult, as on the application) (name) of (address)

(DOB)

PART C THE APPLICANT

This report is written in relation to the application by

(state name of applicant)

* Delete the one which does not apply

SCHEDULE 10

PART D APPROPRIATENESS OF THE ORDER APPLIED FOR

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible. Please comment fully on the adult's social circumstances

I have read the application, have taken note of the powers sought and the renewal of guardianship being applied for. My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Will the proposed order be the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order?

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 10

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 6

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?)
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 10

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 10

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney?

Name:

Appointment
(e.g. financial guardian):

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 10

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 10

PART E PROPOSED GUARDIAN'S SUITABILITY

[Do not complete if the proposed guardian is the Chief Social Work Officer.]

(If there is more than one proposed guardian with personal welfare powers please duplicate Part E and complete for each nominated person.)

Name of proposed guardian:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

- 1. Awareness of the adult's circumstances and conditions and of the needs arising from such circumstances and conditions.

- 2. Awareness of the functions of a guardian.

SCHEDULE 10

3. Accessibility to adult and primary carer.

4. Ability to carry out the functions of a guardian with personal welfare powers.

5. Any likely conflict of interest between the guardian and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6. Any undue concentration of power which is likely to arise in the proposed guardian over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 10

7. Any adverse effects which the appointment of the proposed guardian would have on the interests of the adult.

8. Any other matters which seem to you to be relevant.¹

¹ Where an application relates to both welfare and financial or property matters you should comment on the extent to which you have been able to cover the financial and/or property aspects of the application.

SCHEDULE 10

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the person nominated are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b) (a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d) (c) I have no pecuniary interest in the appointment of a guardian or guardians

(d) I have a pecuniary interest in the appointment of a guardian or guardians
The nature and extent of that interest is

Signed²

Dated

² Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 7

Chief Social Work Officer's report to accompany application for intervention order *relating to personal welfare* personal welfare and property and/or financial affairs**

AWI [7]
ADULTS WITH INCAPACITY
(SCOTLAND) ACT 2000
Section 57(3)(b)

PART A AUTHOR OF THE REPORT

I

am the Chief Social Work Officer of

If there are any enquiries in connection with this report please contact

Name

Position

Address

Tel No E-mail

PART B THE ADULT

On (Give date of interview and assessment of the adult)

The following adult who is the subject of this application was assessed

(Give full name, address and date of birth of the adult, as on the application) (name)
of (address)

(DOB)

PART C THE APPLICANT

This report is written in relation to the application by

(state name of applicant)

* Delete the one which does not apply

SCHEDULE 7

PART D

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible. Please comment fully on the adult's social circumstances.

APPROPRIATENESS OF THE ORDER APPLIED FOR

I have read the application, have taken note of the powers sought and the period being applied for (if applicable). My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Will the proposed order is the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order?

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 7

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 7

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 7

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 7

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney?

Name:

Appointment
(e.g. financial guardian:

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 7

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 7

PART E SUITABILITY OF PERSON NOMINATED TO BE AUTHORISED UNDER AN INTERVENTION ORDER

(Complete in cases where under section 53(5)(b) a person is nominated in the application to take action or make a decision, including those where the person nominated is an officer of the local authority.)

Name of nominee:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; These provide useful guidance as to what information should be contained in the report on the suitability of a person named in an application for an intervention order. Please therefore comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her. My opinion as to the suitability of the person nominated is as follows:-

1 Awareness of the adult’s circumstances and conditions and of the needs arising from such circumstances and conditions.

2 Awareness of the functions of a person authorised under an intervention order.

SCHEDULE 7

3 Accessibility to adult and primary carer.

4 Ability to carry out the functions of a person authorised under an intervention order with personal welfare powers.

5 Any likely conflict of interest between the person nominated and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6 Any undue concentration of power which is likely to arise in the person nominated over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 10

7 Any adverse effects which the appointment of the person nominated would have on the interests of the adult.

8 Any other matters which seem to you to be relevant.¹

¹ Where an application relates to both welfare and financial or property matters you should comment on the extent to which you have been able to cover the financial and/or property aspects of the application.

SCHEDULE 10

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the person nominated (if any) are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b) (a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d) (c) I have no pecuniary interest in the order sought
(d) I have a pecuniary interest in the order sought
The nature and extent of that interest is

Signed²

Dated

² Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 8

Report to accompany application for guardianship relating to property and financial affairs

AWI [8] ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 Section 57(3)(c)

PART A AUTHOR OF THE REPORT

I [] am a person with sufficient knowledge to make this report, because of my position as: []

(Give contact address) Address []

Tel No [] E-mail []

PART B THE ADULT

On [] (Give date of interview and assessment of the adult)

I interviewed and assessed the adult who is the subject of this application

(Give full name, address and date of birth of the adult, as on the application) [] (name)

of [] (address)

[] (DOB)

PART C THE APPLICANT

This report is written in relation to the application by (Name of applicant) []

SCHEDULE 8

PART D

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible.

APPROPRIATENESS OF THE ORDER APPLIED FOR

I have read the application, have taken note of the powers sought and the period of guardianship being applied for. My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Whether the proposed order is the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order.

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 8

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 8

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 8

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 8

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney?

Name:

Appointment (e.g financial guardian):

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 8

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 10

PART E PROPOSED GUARDIAN'S SUITABILITY

(If there is more than one proposed guardian with powers over property and/or financial affairs please duplicate Part E and complete for each proposed guardian.)

Name of proposed guardian:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

- 1.

- 2.

SCHEDULE 10

3. Accessibility to adult and primary carer.

4. Ability to carry out the functions of a guardian with personal welfare powers.

5. Any likely conflict of interest between the guardian and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6. Any undue concentration of power which is likely to arise in the proposed guardian over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 10

7. Any adverse effects which the appointment of the proposed guardian would have on the interests of the adult.

8. Any other matters which seem to you to be relevant.

SCHEDULE 10

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the proposed guardian(s) are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b)

(a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d)

(c) I have no pecuniary interest in the appointment of a guardian or guardians

(d) I have a pecuniary interest in the appointment of a guardian or guardians

The nature and extent of that interest is

Signed¹

Dated

¹ Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 9

Report to accompany application for renewal of guardianship relating to property and financial affairs

AWI [9] ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 Section 57(3)(c)

PART A AUTHOR OF THE REPORT

I []

am a person with sufficient knowledge to make this report, because of my position as:

[]

(Give contact address) Address []

Tel No [] E-mail []

PART B THE ADULT

On [] (Give date of interview and assessment of the adult)

I interviewed and assessed the adult who is the subject of this application

[] (name)

(Give full name, address and date of birth of the adult, as on the application)

of [] (address)

[] (DOB)

PART C THE APPLICANT

This report is written in relation to the application by

(Name of applicant) []

SCHEDULE 9

PART D

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible.

APPROPRIATENESS OF THE ORDER APPLIED FOR

I have read the application, have taken note of the powers sought and the renewal of guardianship being applied for. My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Whether the proposed order is the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order.

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 9

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 9

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 9

5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 9

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney?

Name:

Appointment (e.g financial guardian:)

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 9

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 10

PART E PROPOSED GUARDIAN'S SUITABILITY

(If there is more than one proposed guardian with powers over property and/or financial affairs please duplicate Part E and complete for each proposed guardian.)

Name of proposed guardian:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

1.

2.

SCHEDULE 10

3. Accessibility to adult and primary carer.

4. Ability to carry out the functions of a guardian with personal welfare powers

5. Any likely conflict of interest between the guardian and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6. Any undue concentration of power which is likely to arise in the proposed guardian over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 10

7. Any adverse effects which the appointment of the proposed guardian would have on the interests of the adult.

8. Any other matters which seem to you to be relevant.

SCHEDULE 10

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the proposed guardian(s) are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b)

(a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d)

(c) I have no pecuniary interest in the appointment of a guardian or guardians

(d) I have a pecuniary interest in the appointment of a guardian or guardians

The nature and extent of that interest is

Signed¹

Dated

¹ Please note that the application and accompanying reports will be served on interested parties.

SCHEDULE 10

Report to accompany application for intervention order relating to property and financial affairs

AWI [10] ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 Section 57(3)(c)

PART A AUTHOR OF THE REPORT

I [] am a person with sufficient knowledge to make this report because of my position as: []

(Give contact address) Address []

Tel No [] E-mail []

PART B THE ADULT

On [] (Give date of interview and assessment of the adult)

I interviewed and assessed the adult who is the subject of this application

[] (name)

(Give full name, address and date of birth of the adult, as on the application)

of [] (address)

[] (DOB)

PART C THE APPLICANT

This report is written in relation to the application by (Name of applicant) []

SCHEDULE 10

PART D

Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible.

APPROPRIATENESS OF THE ORDER APPLIED FOR

I have read the application, have taken note of the powers sought and the period being applied for (if applicable). My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?.

a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Whether the proposed order is the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order.

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

SCHEDULE 10

3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

SCHEDULE 10

4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a)

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

SCHEDULE 10

5 What are the views of the primary carer of the adult?

Name:

Relationship

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

SCHEDULE 10

Complete if applicable

6 What are the views of any guardian, continuing attorney or welfare attorney?

Name:

Appointment (e.g. financial guardian)

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?
(Continue on a separate sheet if there is more than one such person).

SCHEDULE 10

Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to the Adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

SCHEDULE 10

PART E SUITABILITY OF PERSON NOMINATED TO BE AUTHORISED UNDER AN INTERVENTION ORDER

(Complete in all cases where under section 53(5)(b) a person is nominated in the application to take action or make a decision, including those where the person nominated is an officer of the local authority.)

Name of nominee:

Relationship to adult:

Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; These provide useful guidance as to what information should be contained in the report on the suitability of a person named in an application for an intervention order. Please therefore comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.

My opinion as to the suitability of the person nominated is as follows:-

1 Awareness of the adult's circumstances and conditions and of the needs arising from such circumstances and conditions.

2 Awareness of the functions of a person authorised under an intervention order.

SCHEDULE 10

3 Accessibility to adult and primary carer.

4 Ability to carry out the functions of a person authorised under an intervention order with power over property and/or financial powers

5 Any likely conflict of interest between the person nominated and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6 Any undue concentration of power which is likely to arise in the person nominated over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

SCHEDULE 10

7 Any adverse effects which the appointment of the person nominated would have on the interests of the adult.

8 Any other matters which seem to you to be relevant.

SCHEDULE 10

PART F: CONCLUSION

My general conclusions on the appropriateness of the order sought and the suitability of the person nominated (if any) are as follows:

PART G: DECLARATION OF INTEREST

Delete (a) or (b) (a) I am not related to the adult

(b) I am related to the adult being his /her
(state relationship)

AND

Delete (c) or (d) (c) I have no pecuniary interest in the order sought

(d) I have a pecuniary interest in the order sought

The nature and extent of that interest is

Signed¹

Dated

¹ Please note that the application and accompanying reports will be served on interested parties.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations prescribe the forms to be used by certain persons when completing reports for the purposes of applications for guardianship orders, renewal of guardianship orders and intervention orders under the Adults with Incapacity Act 2000.

Regulation 3 provides that reports by medical practitioners shall be in the form set out at Schedule 1.

Regulation 4 provides that reports by a mental health officer shall be in the forms set out at Schedules 2, 3 and 4.

Regulation 5 provides that reports by a chief social work officer shall be in the forms set out at Schedules 5, 6 and 7.

Regulation 6 provides that reports by a person with knowledge of the property and financial affairs of an incapable adult shall be in the forms set out at Schedules 8, 9 and 10.