

*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 1: General

Investigations

Section 12: Investigations

53. Subsection (1) provides that the Public Guardian, Mental Welfare Commission and local authority may follow up an investigation into the exercise by guardians of financial or welfare powers under the legislation, or where an adult appears to be at risk, by doing whatever they think is necessary to protect the adult's interests. In some cases, administrative steps may be sufficient to deal with the problem but in others, legal proceedings may be required, for example an application to the court for an order giving directions to a guardian or even replacing a guardian.
54. Subsection (2) requires the same bodies to co-operate and exchange information when investigations of complaints are being carried out that involve matters in both the welfare and financial field. For example, a complaint may be made to the Commission about the actings of a welfare guardian. If initial investigations by the Commission lead to suspicious of financial irregularities, the Commission will be required to alert the Public Guardian to these and the two bodies could then make suitable arrangements for further investigations into financial matters.