



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 1

### GENERAL

#### *Local authorities*

#### **10 Functions of local authorities**

- (1) A local authority shall have the following general functions under this Act—
- (a) to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions;
  - (b) to consult the Public Guardian and the Mental Welfare Commission on cases or matters relating to the exercise of functions under this Act in which there is, or appears to be, a common interest;
  - (c) to receive and investigate any complaints relating to the exercise of functions relating to the personal welfare of an adult made—
    - (i) in relation to welfare attorneys;
    - (ii) in relation to guardians or persons authorised under intervention orders;
  - (d) to investigate any circumstances made known to them in which the personal welfare of an adult seems to them to be at risk;
  - (e) to provide a guardian, welfare attorney or person authorised under an intervention order, when requested to do so, with information and advice in connection with the performance of his functions in relation to personal welfare under this Act.
- (2) For the purposes of subsection (1)(d), “local authority” includes a local authority for an area in which the adult is present.
- (3) The Scottish Ministers may make provision by regulations as regards the supervision by local authorities of the performance of their functions—
- (a) by guardians, in relation to the personal welfare of adults under this Act;

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*Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 10. (See end of Document for details)*

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- (b) where the supervision has been ordered by the sheriff—
  - (i) by persons authorised under intervention orders;
  - (ii) by welfare attorneys.
- (4) In subsection (1)(c) any reference to—
  - (a) a guardian shall include a reference to a guardian (however called) appointed under the law of any country to, or entitled under the law of any country to act for, an adult during his incapacity, if the guardianship is recognised by the law of Scotland;
  - (b) a welfare attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed) relating to the granter’s personal welfare and having effect during the granter’s incapacity.

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**Commencement Information**

- II** S. 10 wholly in force at 1.4.2002; s. 10 not in force at Royal Assent see s. 89(2); s. 10(1)(e) in force for specified purposes and s. 10(1)(b)(c)(i)(d)(2)(3)(b) (ii)(4)(b) wholly in force at 2.4.2001 by [S.S.I. 2001/81, art. 2, Sch. 1](#); s. 10 in force in so far as not already in force at 1.4.2002 by [S.S.I. 2001/81, art. 3, Sch. 2](#)

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