



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 6

INTERVENTION ORDERS AND GUARDIANSHIP ORDERS

*Termination and variation of guardianship and
replacement, removal or resignation of guardian*

[^{F1}73A Recall of chief social work officer's guardianship powers

- (1) This section applies where—
- (a) a local authority's chief social work officer is appointed as a guardian; and
 - (b) either—
 - (i) the local authority wish to recall their chief social work officer's guardianship powers at their own instance; or
 - (ii) another person (including the adult himself) applies to the local authority for such a recall.
- (2) Where this section applies—
- (a) the local authority shall, for the purposes of section 73(5), treat the Public Guardian and the Mental Welfare Commission as persons whom they consider to have an interest in the recall of the guardian's powers; and
 - (b) if the Public Guardian, the Mental Welfare Commission or any other person to whom intimation is given under section 73(5) objects to the recall of the guardian's powers, the local authority—
 - (i) shall not recall the guardian's powers; but
 - (ii) shall instead remit the matter for determination by the sheriff under section 73(8).]

Changes to legislation: *There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 73A. (See end of Document for details)*

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Textual Amendments

- F1** S. 73A inserted (1.4.2008) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), **ss. 60(12)**, 79(3); S.S.I. 2008/49, art. 2(1)

Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 73A.