

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables the Public Guardian to accept for registration under section 19 of the Adults with Incapacity (Scotland) Act 2000 (“the Act”) a copy of a continuing or welfare power of attorney sent by email (incorporating accompanying certificates and statements), instead of the principal document.

This is achieved by inserting section 19A into the Act (article 2). Section 19A allows the Public Guardian to decide whether or not to accept the electronic copy power of attorney, which must also be from approved persons and in the format required by direction by the Public Guardian from time to time.