



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART II

PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES

General

[^{F1}13ZA Provision of services to incapable adults

- (1) Where—
 - (a) a local authority have decided under section 12A of this Act that an adult's needs call for the provision of a community care service; and
 - (b) it appears to the local authority that the adult is incapable in relation to decisions about the service,the local authority may take any steps which they consider would help the adult to benefit from the service.
- (2) Without prejudice to the generality of subsection (1) above, steps that may be taken by the local authority include moving the adult to residential accommodation provided in pursuance of this Part.
- (3) The principles set out in subsection (2) to (4) of section 1 of the 2000 Act apply in relation to any steps taken under subsection (1) above as they apply to interventions in the affairs of an adult under or in pursuance of that Act.
- (4) Subsection (1) does not authorise a local authority to take steps if they are aware that—
 - (a) there is a guardian or welfare attorney with powers relating to the proposed steps;
 - (b) an intervention order has been granted relating to the proposed steps; or
 - (c) an application has been made (but not yet determined) for an intervention order or guardianship order under Part 6 of the 2000 Act relating to the proposed steps.
- (5) In this section—

Changes to legislation: *Social Work (Scotland) Act 1968, Section 13ZA is up to date with all changes known to be in force on or before 04 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) “ the 2000 Act ” means the Adults with Incapacity (Scotland) Act 2000 (asp 4);
- (b) “ adult ” has the meaning given in section 1(6) of the 2000 Act;
- (c) “ community care service ” has the meaning given in section 5A of this Act;
- (d) “ incapable ” has the meaning given in section 1(6) of the 2000 Act;
- (e) “ intervention order ” is to be construed in accordance with section 53 of the 2000 Act”;
- (f) the reference to a guardian includes a reference to—
 - (i) a guardian appointed under the 2000 Act; and
 - (ii) 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;
- (g) the reference to a welfare attorney includes a reference to—
 - (i) a welfare attorney within the meaning of section 16 of the 2000 Act; and
 - (ii) 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.]

Textual Amendments

- F1** S. 13ZA inserted (22.3.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), ss. 64, 79(2)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 13ZA(3) expiry of earlier affecting provision 2020 asp 7, sch. 3 para. 11(1)(a) by [2021 asp 19 s. 2\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 3 para. 11(1) expires (29.9.2020) by virtue of Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), ss. 2(1)(3), 11(2))
- s. 13ZA(3) modified (temp.) by [2020 asp 7 sch. 3 para. 11\(1\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 3 para. 11(1) expires (29.9.2020) by virtue of S.S.I. 2020/249, regs. 1, 2(a)(ii))
- s. 13ZA(4) expiry of earlier affecting provision 2020 asp 7, sch. 3 para. 11(1)(b) by [2021 asp 19 s. 2\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 3 para. 11(1) expires (29.9.2020) by Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), ss. 2(1)(3), 11(2))
- s. 13ZA(4) modified (temp.) by [2020 asp 7 sch. 3 para. 11\(1\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 3 para. 11(1) expires (29.9.2020) by virtue of S.S.I. 2020/249, regs. 1, 2(a)(ii))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(3)(j) repealed by [2005 asp 3 Sch. 5 para. 1](#)
- s. 61B inserted by [2000 asp 4 s. 36](#) (This amendment not applied to legislation.gov.uk. S. 36 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 62(3)(d) inserted by [2000 asp 4 s. 38\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 38 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 64A(1)(e) and word inserted by [2000 asp 4 Sch. 5 para. 10](#) (This amendment not applied to legislation.gov.uk. Sch. 5 para. 10 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 87A inserted by [2007 asp 10 s. 66](#)