

*These notes relate to the Adult Support and Protection (Scotland) Act 2007 (asp 10) which received Royal Assent on 21 March 2007*

# **ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

#### **Part 3**

#### **Adult Support Etc.: Miscellaneous Amendments and Repeals**

##### ***Section 67 – Public Guardian: interaction with courts***

157. This section extends the powers of the Public Guardian to take part in or initiate court proceedings, when it appears to him or her to be necessary, to safeguard the property or financial affairs of an adult with incapacity. This new provision will complement the existing provision in section 12 of the Adults With Incapacity (Scotland) Act 2000 which limits the Public Guardian's ability to enter into court proceedings to where this is explicitly tied to an investigation he or she has carried out. An example of when these new powers might be used is where the Public Guardian is aware of particular facts about an applicant for guardianship which he or she considers may impact adversely on an adult's property or financial interests, derived from prior dealings with the adult's affairs rather than from an investigation. In such circumstances the Public Guardian will be able to inform the court of these facts to protect the adult's interests, if it is necessary to do so.