



# Adult Support and Protection (Scotland) Act 2007

2007 asp 10

## PART 2

### ADULTS WITH INCAPACITY

#### 55 Applications and proceedings: sheriff to consider adult's wishes and feelings

After section 3(5) of the 2000 Act insert—

“(5A) In determining an application or any other proceedings under this Act, the sheriff shall, without prejudice to the generality of section 1(4)(a), take account of the wishes and feelings of the adult who is the subject of the application or proceedings so far as they are expressed by a person providing independent advocacy services.

(5B) In subsection (5A), “independent advocacy services” has the same meaning as it has in section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).”.