

*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 64 - Power to help incapable adults to benefit from social services etc***

146. **Section 64** inserts a new section 13ZA into the Social Work (Scotland) Act 1968. This section clarifies local authorities' power under the Social Work (Scotland) Act 1968 to take steps to deliver community care services to an adult with incapacity. Subsections (1) and (2) make it explicit that where a local authority has assessed an adult as needing community care services and the adult is not capable of making decisions about the services, it may take any steps which it considers necessary to help the adult benefit from the services, including moving the adult into residential accommodation. Subsection (3) sets out that the general principles of the 2000 Act apply to whatever steps are taken by the local authority under the Social Work (Scotland) Act 1968 in relation to the provision of community care services to an adult with incapacity. Subsection (4) prevents local authorities using this power where there is a proxy under the 2000 Act with relevant powers or if an application for the appointment of a proxy with relevant powers is under way.