
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the forms to be completed in relation to applications to, and decisions of, the Mental Welfare Commission and local authorities in relation to recall of the powers of guardians under section 73 of the Adults with Incapacity (Scotland) Act 2000 (regulations 3 to 5, 7, 8, 10 and 11 and Schedules 1 to 9).

The regulations provide that the period within which a person may object to the recall of a guardian's powers, or to the decision of the Mental Welfare Commission or the local authority as to the recall of those powers, shall be 21 days (regulations 6 and 9).

Regulation 12 provides that the Mental Welfare Commission or a local authority shall notify each other, the applicant and the Public Guardian of any decision to recall the powers of a guardian.