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If calling please ask for
Our Ref AB/DMcC/AMF

Alan Baird, Director of Social Work
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Tel: 01382 433204
Date 8 November 2007

Dear Kirsty

Adults with Incapacity (Scotland) Act 2000 Consultation on Draft Regulations

Thank you for affording us an opportunity to comment on the draft regulations which have been prepared in anticipation of the forthcoming amendments contained in Part 2 of the Adult Support and Protection (Scotland) Act 2007.

We are of the view that the draft regulations, and accompanying Schedules appear to provide for the changes needed to support implementation of the amendments. We do however, wish to make minor comments in respect of 2 of the regulations. In addition, we wish to make an observation regarding the Act of Sederunt (Sheriff Court Rules) although no proposals regarding this are included in the present consultation.

1. Certificates in Relation to Powers of Attorney

We would suggest that in the Explanatory Note accompanying these Regulations, the reference to "solicitors" should be substituted by a reference to "practicing solicitors", for the avoidance of any doubt.

2. Reports in Relation to Guardianship and Intervention Orders

There is a footnote within the prescribed form for Reports of Incapacity to accompany applications, which gives the definition of "mental disorder" for the purposes of the 2000 Act. The definition given is incorrect and should be modernised to accurately reflect the definition contained in section 328 of the 2003 Act.

如閣下不諳明白英語，請與以下的通訊處聯系。
যদি আপনাকে ইংরেজি বুঝতে অসুবিধা বেশি করেন
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আপনার প্রশ্নের উত্তরে আমরা সর্বশেষে সক্ষম হইব।
We would be pleased to answer your questions in
any language that you prefer to communicate in.



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3. Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules)

We believe that in Part XVI of chapter 3 of the principle rules, rule 3.16.4 should be amended by the insertion of "the adults named person (if any)" into the list of persons on whom service of applications or other proceedings shall be made.

This would seem to be a logical and necessary step, if full and proper effect is to be given to the inclusion of "named person" in the 2000 Acts provisions.

4. Partial Regulatory Impact Assessment

We have no particular comment to make on the RIA, apart from the general observation that we would agree that the costs to individuals associated with the simplified procedures for certificates to accompanying Powers of Attorney, and renewal of financial guardianship are likely to reduce.

Supplementary

If you wish to contact us regarding our response to the consultation document, please direct your enquiry to dave.mccaw@dundee.gov.uk or by telephone to Dave McCaw on 01382 808119.

Finally, thank you for giving us an opportunity to comment on the proposed changes to the Regulations.

Yours sincerely



Alan G Baird
Director of Social Work