

Adults with Incapacity (Scotland) Act 2000 (“the Act”)

Evidence to inform decision to dispense with notification to adult with incapacity in terms of sections 7(1)(d) and 11(2) of the Act.

IMPORTANT: This certificate is to be completed by two medical practitioners. Please read **NOTES** below prior to completion

A. First medical practitioner

I.....(full name)
of.....(professional address)
have examined the following patient on(date), in my capacity as
.....*
.....(patient’s name)
of.....
.....(address)...../...../.....(date of birth)

I am of the opinion that it would pose a serious risk to the health of the patient named above for the Public Guardian to notify him/her of an application under section 26 of the Act for authority to intronit with funds. The reason for this opinion is:

.....
.....
..... (signed)..... (date)

B. Second medical practitioner

I.....(full name)
of.....(professional address)
have examined the above patient on(date), in my capacity as
.....*

I am of the opinion that it would pose a serious risk to the health of the patient named above for the Public Guardian to notify him/her of an application under section 26 of the Act for authority to intronit with funds. The reason for this opinion is:

.....
.....
..... (signed)..... (date)

NOTES

* Insert as appropriate, eg GP, specialist in mental disorder

Under section 11(2) of the Act, the Public Guardian may dispense with any intimation or notification by him to an adult under the Act, if he considers that the intimation or notification would be likely to pose a serious risk to the health of the adult. Under section 7(1)(d) of the Act, the Scottish Ministers may prescribe the evidence which the Public Guardian shall take into account when deciding under section 11(2) whether to dispense with intimation or notification to the adult.

This document should be used to provide such evidence to the Public Guardian when this is necessary. It may be attached to a certificate of incapacity to accompany an application to the Public Guardian under section 26 of the Act for authority to intromit with funds, but does not form part of such a certificate.

The Adults with Incapacity (Evidence in Relation to Dispensing with Intimation or Notification)(Scotland) Regulations 2001 prescribe that intimation or notification by the Public Guardian to an adult may be dispensed with on production of certificates from two medical practitioners that such intimation or notification would pose a serious risk to the health of the adult. The regulations also prescribe that:

the two medical practitioners must be independent of each other;
in any case where the incapacity of the adult is by reason of mental disorder one of the two medical practitioners must be a medical practitioner approved for the purposes of section 20 of the Mental Health (Scotland) Act 1984 as having special experience in the diagnosis or treatment of mental disorder.

Sections A and B of this document must therefore both be completed, and the two doctors signing the document must fulfil the requirements above.

When completed this document should be sent to:

The Office of the Public Guardian
Hadrian House
Callander Business Park
Falkirk FK1 1XR
e-mail: opg@scotcourts.gov.uk