

**As a partner or relative, you do not have an automatic right to make decisions and take action for someone unable to do so for themselves.**

**If legal authority to act does not exist, and the adult you look after is deemed incapable under the Incapacity (Scotland) Act 2000, a Guardianship Order would give you the legal authority to do certain things for them.**

## What does a Guardianship Order do?

A GO is similar to Power of Attorney in that it allows a Guardian to manage the financial and welfare concerns of an adult deemed incapable of managing these affairs for themselves.

However, it is granted by court order under the Adults with Incapacity (Scotland) Act 2000 and not the individual themselves.

## Who can be a Guardian?

Anyone can apply to be a Guardian including partners, family, friends and professionals eg solicitor, accountant or local authority social worker.

## How long does it last?

Appointments are usually for 3 years but a Sheriff may make them shorter or longer at their discretion. An order ceases on the death of the adult concerned.

## How do I apply and what does it cost?

A Summary Application, accompanied by 2 medical reports, and other supporting information, is made to the Sheriff Court, usually by a solicitor acting on your behalf.

## Fees include:

- court registration fees for the application
- registration fee
- medical report fees (possibly)
- legal fees if using a solicitor and not entitled to legal aid.

## Who monitors what a Guardian does?

The local authority social work department supervises guardians with welfare powers.

The Office of the Public Guardian (Scotland) supervises orders concerning money and/or property.

As a Guardian you will be expected to supply:

- an inventory of estate
- a management plan
- annual accounts

## For more information contact:

Citizens Advice Bureau—01343 550088

Your solicitor may be able to help.

## The Office of the Public Guardian (Scotland)

Tel: 01324 678300

Email: [opg@scotcourts.gov.uk](mailto:opg@scotcourts.gov.uk)

[www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)

Opening Hours: 9am—5pm Mon to Fri

## Quarriers Carer Support Service (Moray)

232 High Street, Elgin, IV30 1BA

Tel: 01343 556031

Email: [carersmoray@quarriers.org.uk](mailto:carersmoray@quarriers.org.uk)

[www.quarriers.org.uk/morayvcc](http://www.quarriers.org.uk/morayvcc)

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