EDI-AWXXX-24 Adult – [*name*]

GUARDIANSHIP ORDER FINAL DISPOSAL

Case reference: EDI-AWXXX-24

OPG reference:

Edinburgh [*date*  2024]

Act: [*name*]

Alt: [*name*]

The sheriff [*in absence*] having considered the application and productions [*and having heard parties thereon*], on the Applicant’s motion, Appoints [*name of guardian*], residing at [*full postal address*], [*add name and designation of any joint guardian in similar fashion*] as [*joint*] Welfare Guardian to [*full name of adult*], date of birth [*insert DOB*], residing at [*full postal address*] ("the Adult") for a period of [*X*] years from this date in terms of Part 6 of the Adults with Incapacity (Scotland) Act 2000 with the following functions and duties:

**Welfare powers**

[*Take in from the craves the functions and duties granted*]

[ *a. xxxx*

*b.xxxx*

*c. xxxx etc*]

[*If substitute guardian also appointed*] Appoints [*name and full postal address*], [*add name and full postal address of any joint substitute* guardian], as Substitute Welfare Guardian[s] to the Adult, to act as Welfare Guardian[s] in the event of the death, incapacity or resignation of the [*name and full postal address of the guardian specified above*], with the power to deal with the following aspects of the personal welfare of the Adult: [*repeat in full the powers listed above*]

[ *a. xxxx*

*b.xxxx*

*c. xxxx etc*]

[*if financial guardian also to be appointed complete as follows*]

**Financial powers**

And thereafter appoints [*name of guardian*], residing at [*full postal address*], [*add name and designation of any joint guardian in similar fashion*] as [*joint*] Financial Guardian[s] to [*full name of adult*], date of birth [*insert DOB*], residing at [*full postal address*] ("the Adult") for a period of [*X*] years from this date in terms of Part 6 of the Adults with Incapacity (Scotland) Act 2000 with the following functions and duties:

[*Take in from the craves the functions and duties granted*]

[ *a. xxxx*

*b.xxxx*

*c. xxxx etc*]

[*if substitute financial guardian to be appointed, adapt necessary text from that used above*]

[*NOTE:*

1. *Where there is heritable property used for the time being as the adult’s dwelling house* ***and*** *the consent of the Public Guardian in principle and to sale price is required, include the following preface:-*
	1. *In terms of schedule 2 section 6(1) of said Act, with the consent of the Public Guardian, the power to sell at such price or on such other terms as may be approved by the Public Guardian all and whole of the dwelling house [insert full conveyancing description];*
2. *So far as caution is required must be either of the following craves:*
	1. *Requires said [identify financial guardian] before taking office to find caution in the sum of £[XXX] within [X] weeks to the satisfaction of the Public Guardian in 100% of the current estate and thereafter in 100% of the estate as at year end review by the Public Guardian,* ***or***
	2. *Dispenses with the need to find caution*

[*if registration required*]Appoints the said [*names of financial guardian(s*)] to apply forthwith to the Keeper of the Registers of Scotland for [*recording of this interlocutor in the General Register of Sasines* ***or*** *registering of this interlocutor in the Land Register of Scotland*];

[*if expenses awarded*] Finds the applicant entitled to the expenses of the application [to the date of the legal aid certificate] [in relation to financial powers only] to be met from the estate of the adult in terms of section 68(3) of the Act on a party and party basis; Allows an account thereof to be given in and Remits same when lodged to the auditor of court to tax and to report [**or** fixes the expensesin the sum of £xx and decerns therefor];

Finds the applicant entitled to the expenses of the application incurred before 20 December 2022, being the date of granting of Legal Aid, to be met from the estate of the adult in terms of section 68(3) of the Act on a party and party basis; Allows an account thereof to be given in and Remits same when lodged to the auditor of court to tax and to report;

Authorises the Public Guardian to issue a certificate of appointment;

and Decerns.