



mental welfare
commission for scotland

Guardianship applications before 16th birthday

Advice notes

Republished August 2020



Our mission and purpose

Our Mission

To be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

Guardianship applications before 16th birthday

This information was first published in 2013. It was reviewed in July 2020 and remains current.

There may be a need to start the process of applying for guardianship in order that the guardian is in place when the individual turns 16.

The 2000 Act was amended in 2007 to include a revised Section 79A.

The application can be made within three months prior to the 16th birthday. The powers only come into effect when the person reaches 16.



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