

*These notes relate to the Adults with Incapacity (Scotland)  
Act 2000 (asp 4) which received Royal Assent on 9 May 2000*

# **ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 3: Accounts and Funds**

##### ***Section 29: Withdrawal and use of funds***

119. Subsection (1) allows the fundholder of the adult's account to release to the designated account the amounts authorised by the Public Guardian's certificate of authority.
120. Subsection (2) confirms that the fundholder of the adult's account is liable to repay to the adult any amounts it has released from the adult's account after the Public Guardian's authority has been withdrawn. Although the fundholder is liable to make repayments to the adult, they may subsequently attempt to recover the sums concerned from the withdrawer.
121. Subsection (3) allows the Public Guardian to authorise other payments from the adult's account, for example a one-off payment to a supplier for goods or services
122. Subsection (4) allows an appeal to the sheriff against a decision of the Public Guardian not to allow access to the adult's funds, either for one of the specified purposes on a regular basis, or for an exceptional payment. The sheriff's decision will be final.