

*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 30: Records and enquiries***

123. Subsection (1) provides for regulations to be made by the Scottish Ministers requiring those with access to the adult's funds to keep records of how they have used the funds. regulations may also be made enabling the Public Guardian to require such records to be released for inspection on demand.
124. Subsection (2) allows the Public Guardian to make checks on how the adult's funds are being used. This includes asking for documentation, including receipts and notebook records that have been kept by the withdrawer.
125. Subsection (3) clarifies that the Public Guardian may make enquiries to the relevant fundholder about transactions on either the adult's or the designated account. The fundholders must release their records to the Public Guardian on request, for the purposes of investigation or spot check. This provision is required, because such information is normally released by the fundholder only to the account-holder.
126. Subsection (4) allows a fundholder who releases records to make a charge for this and to recover it from the adult's or the designated account as appropriate.