



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## [<sup>F1</sup>PART 3 S

### ACCOUNTS AND FUNDS

#### *[<sup>F1</sup>Duration etc. of authority*

#### Textual Amendments

- F1** Pt. 3 substituted (1.4.2008) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), **ss. 58**, 79(3); S.S.I. 2008/49, art. 2(1) (with arts. 34)

#### **31 Duration of withdrawal certificate S**

- (1) Unless this Part provides otherwise, a withdrawal certificate issued under section 25 is valid for a period of 3 years commencing with the date of issue of the certificate.
- (2) The Public Guardian may reduce or extend the period of validity of a withdrawal certificate; and an extension may be without limit of time.
- (3) Subsections (1) and (2) are without prejudice to the right of the withdrawer to make subsequent applications under section 25 after the withdrawal certificate ceases to be valid or, as the case may be, a suspension or termination of the withdrawer's authority.
- (4) The validity of a withdrawal certificate ceases—
  - (a) on the appointment of a guardian with powers relating to the funds or account in question;
  - (b) on the granting of an intervention order relating to the funds or account in question; or
  - (c) on a continuing attorney's acquiring authority to act in relation to the funds or account in question,

but no liability is incurred by any person who acts in good faith under this Part in ignorance of the withdrawal certificate ceasing to be valid under this subsection.

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*Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Cross Heading: Duration etc. of authority. (See end of Document for details)*

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### **31A Suspension and termination of authority** **S**

- (1) The Public Guardian may suspend or terminate the authority of a withdrawer under a withdrawal certificate.
- (2) The Public Guardian must without delay intimate the suspension or termination to—
  - (a) the withdrawer whose authority is suspended or terminated;
  - (b) any other joint withdrawer;
  - (c) any reserve withdrawer; and
  - (d) the fundholder of the designated account; and
  - (e) such other persons as the Public Guardian thinks fit.
- (3) A suspension or termination under subsection (1) suspends or, as the case may be, terminates all operations on the designated account by the withdrawer whose authority is suspended or terminated.
- (4) The Public Guardian must on suspending or terminating the authority of the withdrawer enter prescribed particulars in the register maintained by the Public Guardian under section 6(2)(b)(iii).
- (5) The Public Guardian may on terminating the authority of the withdrawer issue to the withdrawer an interim withdrawal certificate to continue to intromit with the adult's funds for a period not exceeding 4 weeks from the date of the termination.

### **31B Renewal of authority to intromit** **S**

- (1) This section applies to an application under section 25 if condition A or B is satisfied.
- (2) Condition A is that the application is made by a person holding an existing withdrawal certificate.
- (3) Condition B is that—
  - (a) the main withdrawer has died or become incapable or the main withdrawer's authority under this Part has been terminated; and
  - (b) the application is made, without undue delay, by an individual who was the reserve withdrawer at the time of the death, incapacity, or termination, as the case may be.
- (4) Where this section applies, the Public Guardian may disapply any of the provisions in sections 26(1), 27A and 27B to an application to which this section applies (but may require the applicant to provide such other information as the Public Guardian requires to determine the application).
- (5) Where condition A is satisfied in relation to an application under section 25, the existing withdrawal certificate will continue to be valid until the application is determined.
- (6) Where an application to which this section applies is granted, the existing withdrawal certificate ceases to be valid.

### **31C Duration of certificates issued under section 24C, 24D, and 26G etc.** **S**

- (1) A certificate issued under section 24C, 24D or 26G is valid for such period as it may specify.

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**Changes to legislation:** *There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Cross Heading: Duration etc. of authority. (See end of Document for details)*

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- (2) But the Public Guardian may cancel the certificate at any time before the end of any period so specified.
- (3) The Public Guardian must without delay intimate such a cancellation to—
  - (a) the person to whom the certificate was issued,
  - (b) where the certificate was issued under section 26G, the fundholder of the original account, and
  - (c) such other persons as the Public Guardian thinks fit.]

**Changes to legislation:**

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Cross Heading: Duration etc. of authority.