

**Changes to legislation:** There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Paragraph 1. (See end of Document for details)

### SCHEDULE 3 JURISDICTION AND PRIVATE INTERNATIONAL LAW

#### Commencement Information

- II** Sch. 3 wholly in force at 4.11.2003; Sch. 3 not in force at Royal Assent see s. 89(2); Sch. 3 in force for specified purposes at 2.4.2001 by S.S.I. 2001/81, art. 2, Sch. 1; Sch. 3 in force in so far as not already in force at 4.11.2003 by S.S.I. 2003/516, art. 2

#### General

- 1 (1) The Scottish judicial and administrative authorities shall have jurisdiction to dispose of an application or other proceedings and otherwise carry out functions under this Act in relation to an adult if—
- (a) the adult is habitually resident in Scotland; or
  - (b) property which is the subject of the application or proceedings or in respect of which functions are carried out under this Act is in Scotland; or
  - (c) the adult, although not habitually resident in Scotland is there or property belonging to the adult is there and, in either case, it is a matter of urgency that the application is or the proceedings are dealt with; or
  - (d) the adult is present in Scotland and the intervention sought in the application or proceedings is of a temporary nature and its effect limited to Scotland.
- (2) As from the ratification date, the Scottish judicial and administrative authorities shall, in addition to the jurisdiction mentioned in sub-paragraph (1) in the circumstances set out therein, have the jurisdiction mentioned in that sub-paragraph in the following circumstances—
- (a) the adult—
    - (i) is a British citizen; and
    - (ii) has a closer connection with Scotland than with any other part of the United Kingdom; and
  - (b) Article 7 of the Convention has been complied with,
- or if the Scottish Central Authority, having received a request under Article 8 of the Convention from an authority of the State in which the adult is habitually resident and consulted such authorities in Scotland as would, under this Act, have functions in relation to the adult, have agreed to the request.
- (3) As from the ratification date, the provisions of the Convention shall apply to the exercise of jurisdiction under this schedule where the adult—
- (a) is habitually resident in a Contracting State other than the United Kingdom; or
  - (b) not being habitually resident in Scotland, is or has been the subject of protective proceedings in such a Contracting State.
- (4) As from the ratification date, any application made to a Scottish judicial or administrative authority under this Act which—
- (a) relates to an adult who is not habitually resident in Scotland; and
  - (b) does not require to be determined as a matter of urgency,
- shall be accompanied by information as to which State the adult habitually resides in and as to any other application relating to the adult which has been dealt with or

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is being made, or proceedings so relating which have been or are being brought, in any Contracting State other than the United Kingdom.

- (5) For the purposes of this paragraph, an adult—
- (a) whose habitual residence cannot be ascertained; or
  - (b) who is a refugee or has been internationally displaced by disturbance in the country of his habitual residence,
- shall be taken to be habitually resident in the State which he is in.

**Commencement Information**

- II** Sch. 3 para. 1 wholly in force at 4.11.2003; Sch. 3 para. 1 not in force at Royal Assent see s. 89(2); Sch. 3 para. 1(1)(5) in force at 2.4.2001 by S.S.I. 2001/81, art. 2, Sch. 1; Sch. 3 para. 1 in force in so far as not already in force at 4.11.2003 by S.S.I. 2003/516, art. 2

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