

Status: Point in time view as at 02/04/2001.

Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Paragraph 2. (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

Appropriate sheriff

- 2 (1) The sheriff having jurisdiction under this schedule to take measures is the sheriff in whose sheriffdom—
- (a) in relation to a case falling within paragraph 1(1)(a), the adult is habitually resident;
 - (b) in relation to a case falling within paragraph 1(1)(b), the property is located;
 - (c) in relation to a case falling within paragraph 1(1)(c), the adult or property belonging to the adult is present;
 - (d) in relation to a case falling within paragraph 1(1)(d), the adult is present.
- (2) The sheriff shall also have jurisdiction to vary or recall any intervention order or guardianship order made by him under this Act if no Contracting State other than the United Kingdom has, by way of its judicial or administrative authorities, jurisdiction; and—
- (a) no other court or authority has jurisdiction; or
 - (b) another court or authority has jurisdiction but—
 - (i) it would be unreasonable to expect an applicant to invoke it; or
 - (ii) that court or authority has declined to exercise it.
- (3) Notwithstanding that any other judicial or administrative authority has jurisdiction under sub-paragraph (1)(a) to take measures, a sheriff shall have jurisdiction to take measures if—
- (a) the adult is present in the sheriffdom; and
 - (b) the sheriff considers that it is necessary, in the interests of the adult, to take the measures immediately.
- (4) Where, by operation of paragraph 1, jurisdiction falls to be exercised by a sheriff but the case is one appearing to fall outside sub-paragraphs (1) and (2), the sheriff having jurisdiction is the Sheriff of the Lothians and Borders at Edinburgh.

Commencement Information

- II** Sch. 3 para. 2 wholly in force at 4.11.2003; Sch. 3 para. 2 not in force at Royal Assent see s. 89(2); Sch. 3 para. 2(1)(3)(4) in force at 2.4.2001 by S.S.I. 2001/81, art. 2, Sch. 1; Sch. 3 para. 2 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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