

Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Paragraph 3. (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

Applicable law

- 3 (1) The law applicable to anything done under this Act by a Scottish judicial or administrative authority in relation to an adult is the law of Scotland.
- (2) Sub-paragraph (1) does not prevent a Scottish judicial or administrative authority from applying the law of a country other than Scotland if, in circumstances which demonstrate a substantial connection with that other country and having regard to the interests of the adult, it appears appropriate to do so.
- (3) Such an authority shall, however, in the exercise of the powers conferred by section [F120] of this Act, take into consideration to the extent possible the law which, as provided in paragraph 4, governs the power of attorney.
- (4) Where a measure for the protection of an adult has been taken in one State and is implemented in another, the conditions of its implementation are governed by the law of that other State.
- (5) Any question whether a person has authority by virtue of any enactment or rule of law to represent an adult shall be governed—
- where such representation is for the purposes of the immediate personal welfare of the adult and the adult is in Scotland, by the law of Scotland; and
 - in any other case, by the law of the country in which the adult is habitually resident.

Textual Amendments

- F1** Word in Sch. 3 para. 3(3) substituted (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), ss. 77(1), 79, Sch. 1 para. 5(g); S.S.I. 2007/334, art. 2(b), Sch. 2 (with savings in arts. 4-6)

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