



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 3

### ACCOUNTS AND FUNDS

#### **31 Duration and termination of registration**

- (1) Subject to the following provisions of this section, the authority of a withdrawer to intromit with funds under section 26 shall be valid for a period of 3 years commencing with the date of issue of the certificate by the Public Guardian under subsection (4) (b) of that section.
- (2) The Public Guardian may reduce or extend the period of validity mentioned in subsection (1); and an extension may be without limit of time.
- (3) The Public Guardian may suspend or terminate the authority of a withdrawer and shall forthwith intimate such suspension or termination to—
  - (a) the withdrawer;
  - (b) the fundholder of the designated account,and such suspension or termination shall have the effect of suspending or, as the case may be, terminating all operations on that account.
- (4) The Public Guardian may on terminating the authority of the withdrawer grant the withdrawer interim authority to continue to intromit with the funds of the adult for a period not exceeding 4 weeks from the date of the termination; and paragraphs (a) and (b) of section 26(4) shall apply in the case of a grant of interim authority under this subsection as they apply to the grant of an application under that section.
- (5) Subsections (1) and (2) are without prejudice to the right of the withdrawer to make subsequent applications under the said section 26 after the end of a valid period of authority to withdraw or, as the case may be, a suspension or termination of the authority.
- (6) A decision of the Public Guardian to reduce or extend a period of validity mentioned in subsection (1) or to suspend or terminate the authority of a withdrawer under

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*Status: This is the original version (as it was originally enacted).*

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subsection (3) may be appealed to the sheriff, whose decision shall be final; and the suspension or termination shall remain in force until the appeal is determined.

- (7) The authority of a withdrawer to withdraw funds under section 26 shall come to an end—
- (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 shall be incurred by any person who acts in good faith under this Part in ignorance of the coming to an end of a withdrawer's authority under this subsection.

- (8) In subsection (7) any reference to—
- (a) a guardian shall include a reference to a guardian (however called) appointed under the law of any country to, or entitled under the law of any country to act for, an adult during his incapacity, if the guardianship is recognised by the law of Scotland;
  - (b) a continuing attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed), relating to the granter's property or financial affairs and having continuing effect notwithstanding the granter's incapacity.