



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 4

MANAGEMENT OF RESIDENTS' FINANCES

35 Application of Part 4

- (1) Subject to subsection (3), this Part applies to the management of the matters set out in section 39 relating to any resident of any of the following establishments—
 - [^{F1}(a) a health service hospital ;
 - (b) an independent hospital [^{F2}or private psychiatric hospital]^{F3}. . . ;
 - (c) a State hospital;
 - (d) a care home service; and
 - (e) a limited registration service.]
- (2) In this Part establishments mentioned in paragraph (b), [^{F4}(d) or (e)] of subsection (1) are referred to as “registered establishments”, all other establishments mentioned in subsection (1) are referred to as “unregistered establishments”, and registered and unregistered establishments together are referred to as “authorised establishments”.
- (3) This Part shall not apply to a registered establishment where notice in writing is given to the supervisory body by—
 - (a) the managers of the registered establishment; or
 - (b) an applicant^{F5}, under [^{F6}section 59(1) of the Public Services Reform (Scotland) Act 2010] (asp 8) [^{F7}or section 10P(1) of the National Health Service (Scotland) Act 1978, as the case may be], for registration of the service which comprises that] establishment,
that it shall not apply.
- (4) The Scottish Ministers may by regulations amend the list of authorised establishments set out in subsection (1).
- (5) In this Part, “the managers” has the meaning set out in schedule 1; and “resident” in relation to an authorised establishment means an adult whose main residence for the

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time being is the authorised establishment or ^{F8}whose detention there is authorised by virtue of the Criminal Procedure (Scotland) Act 1995 (c. 46) or the 2003 Act].

^{F9}(6) Expressions used in subsection (1) and in]

^{F10}(a) the Public Services Reform (Scotland) Act 2010 have the same meanings in that subsection as in that Act;]

^{F11}(b) the National Health Service (Scotland) Act 1978 (c.29) have the same meanings in that subsection as in that Act.]

Textual Amendments

- F1** S. 35(1)(a)-(e) substituted (1.4.2002) for s. 35(1)(a)-(g) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(a); S.S.I. 2002/162, **art. 2**
- F2** Words in s. 35(1)(b) inserted (2.12.2005) by The Adults with Incapacity (Management of Residents' Finances) (Scotland) Regulations 2005 (S.S.I. 2005/610), **art. 2**
- F3** Words in s. 35(1)(b) repealed (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 331, 333(2)-(4), **Sch. 5**; S.S.I. 2005/161, **art. 3**
- F4** Words in s. 35(2) substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(b); S.S.I. 2002/162, **art. 2**
- F5** Words in s. 35(3)(b) substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(c); S.S.I. 2002/162, **art. 2**
- F6** Words in s. 35(3)(b) substituted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 1 para. 8(2)(a)**
- F7** Words in s. 35(3)(b) inserted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 2 para. 5(2)(a)**
- F8** Words in s. 35(5) substituted (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 331, 333(2)-(4), **Sch. 4 para. 9(2)**; S.S.I. 2005/161, **art. 3**
- F9** S. 35(6) added (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(d); S.S.I. 2002/162, **art. 2**
- F10** Words in s. 35(6) substituted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 1 para. 8(2)(b)**
- F11** S. 35(6)(b) inserted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 2 para. 5(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 35.