



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 4

### MANAGEMENT OF RESIDENTS' FINANCES

#### 41 Duties and functions of managers of authorised establishment

The managers of an authorised establishment shall, in relation to residents whose affairs they are managing under section 39—

- (a) claim, receive and hold any pension, benefit, allowance or other payment to which the resident is entitled other than under the Social Security Contributions and Benefits Act 1992 (c. 4);
- (b) keep the funds of residents separate from the funds of the establishment;
- (c) comply with any requirements of the supervisory body as respects keeping the funds of residents separate or distinguishable from each other;
- (d) ensure that where, at any time, the total amount of funds held on behalf of any resident exceeds such sum as may from time to time be prescribed they shall be placed so as to earn interest;
- (e) keep records of all transactions made in relation to the funds held by them in respect of each resident for whose benefit the funds are held and managed and, in particular, ensure that details of the balance and any interest due to each resident can be ascertained at any time;
- (f) produce such records when requested to do so by the resident, his nearest relative or the supervisory body;
- (g) spend money only on items or services which are of benefit to the resident on whose behalf the funds are held;
- (h) not spend money on items or services which are provided by the establishment to or for such resident as part of its normal service;
- (i) make proper provision for indemnifying residents against any loss attributable to—
  - (i) any act or omission on the part of the managers of the establishment in exercising the powers conferred by this Part or of others for whom the

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*Status: This is the original version (as it was originally enacted).*

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- managers are responsible or attributable to any expenditure in breach of paragraph (g);
- (ii) any breach of duty, misuse of funds or failure to act reasonably and in good faith on the part of the managers.