



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 4

### MANAGEMENT OF RESIDENTS' FINANCES

#### 45 Appeal, revocation etc.

- (1) Where it appears to [<sup>F1</sup>the] supervisory body that the managers of an authorised establishment are no longer operating as such or have failed to comply with any requirement of this Part or that, for any other reason, it is no longer appropriate that they should continue to manage residents' affairs it may revoke [<sup>F2</sup>that power to manage]
- (2) <sup>F3</sup> .....
- (3) Where a [<sup>F4</sup>registration or] a power to manage has been revoked under this section, the supervisory body shall within a period of 14 days from such revocation take over management of the residents' affairs and, where they do so, comply with the requirements imposed by and under this Part upon the managers of an authorised establishment.
- (4) The supervisory body shall, within the period of 3 months after taking over management of residents' affairs under subsection (3), cause that management to be transferred to such other establishment, authority or person (who may be the resident) as they consider appropriate.
- (5) Where the supervisory body is satisfied that the circumstances mentioned in subsection (1) no longer apply in relation to an establishment whose power to manage it has revoked, it may annul the revocation of the power and, where necessary, of the registration.
- (6) Any decision of [<sup>F5</sup>the] supervisory body may be appealed to the sheriff, whose decision shall be final.

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**Changes to legislation:** *There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 45. (See end of Document for details)*

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### **Textual Amendments**

- F1** Word in s. 45 substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(4)(a); S.S.I. 2002/162, **art. 2** (subject to arts. 3-13)
- F2** Words in s. 45 substituted (1.4.2002) for paras. (a) and (b) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(4)(b); S.S.I. 2002/162, **art. 2** (subject to arts. 3-13)
- F3** S. 45(2) repealed (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(4)(c); S.S.I. 2002/162, **art. 2** (subject to arts. 3-13)
- F4** Words in s. 45(3) repealed (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(4)(d); S.S.I. 2002/162, **art. 2** (with arts. 3-13)
- F5** Word in s. 45(6) substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(4)(e); S.S.I. 2002/162, **art. 2** (subject to arts. 3-13)

**Changes to legislation:**

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 45.