



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 6

INTERVENTION ORDERS AND GUARDIANSHIP ORDERS

Guardianship orders

61 Registration of guardianship order relating to heritable property

- (1) This section applies where the sheriff makes a guardianship order which vests in the guardian any right of the adult to deal with, convey or manage any interest in heritable property which is recorded or is capable of being recorded in the General Register of Sasines or is registered or is capable of being registered in the Land Register of Scotland.
- (2) In making such an order the sheriff shall specify each property affected by the order, in such terms as enable it to be identified in the Register of Sasines or, as the case may be, the Land Register of Scotland.
- (3) The guardian shall, after finding caution [^{F1}or giving other security] if so required, forthwith apply to the Keeper of the Registers of Scotland for recording of the interlocutor containing the order in the General Register of Sasines or, as the case may be, registering of it in the Land Register of Scotland.
- (4) An application under subsection (3) shall contain—
 - (a) the name and address of the guardian;
 - (b) a statement that the guardian has powers relating to each property specified in the order;
 - (c) a copy of the interlocutor.
- (5) Where the interlocutor is to be recorded in the General Register of Sasines, the Keeper shall—
 - (a) record the interlocutor in the Register; and
 - (b) endorse the interlocutor to the effect that it has been so recorded.

Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 61. (See end of Document for details)

- (6) Where the interlocutor is to be registered in the Land Register of Scotland, the Keeper shall update the title sheet of the property to show the interlocutor.
- (7) The guardian shall send the endorsed interlocutor or, as the case may be, ^{F2}an extract of the updated title sheet] to the Public Guardian who shall enter prescribed particulars of it in the register maintained by him under section 6(2)(b)(iv).

Textual Amendments

- F1** Words in s. 61(3) inserted (1.4.2008) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), [ss. 60\(4\), 79\(3\)](#); S.S.I. 2008/49, art. 2(1)
- F2** Words in s. 61(7) substituted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), [ss. 122, 123](#), [sch. 5 para. 38\(3\)](#) (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

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