



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 4

MANAGEMENT OF RESIDENTS' FINANCES

39 Matters which may be managed

- (1) The matters which may be managed under this Part by the managers of an authorised establishment are—
- claiming, receiving, holding and spending any pension, benefit, allowance or other payment other than under the Social Security Contributions and Benefits Act 1992 (c.4)^[F1], the State Pensions Credit Act 2002 (c. 16)^[F2], Part 1 of the Welfare Reform Act 2007 or Part 1 or 4 of the Welfare Reform Act 2012];
 - claiming, receiving, holding and spending any money to which a resident is entitled;
 - holding any other moveable property to which the resident is entitled;
 - disposing of such moveable property,
- and in this Part these matters, or any of them, are referred to as residents' affairs; and cognate expressions shall be construed accordingly.
- (2) In managing these matters, the managers of an authorised establishment shall—
- act only for the benefit of the resident; and
 - have regard to the sentimental value that any item might have for the resident, or would have but for the resident's incapacity.
- (3) The managers of an authorised establishment shall not, without the consent of the supervisory body, manage any matter if that matter has a value greater than that which is prescribed for the purposes of this subsection.
- (4) The supervisory body may in relation to an individual resident permit the managers of the authorised establishment to manage any matter which has a value greater than that which is prescribed in relation to it under subsection (3).

Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 39. (See end of Document for details)

(5) For the purpose of this section, “manage” denotes no greater responsibility than complying with the duties set out in this section.

Textual Amendments

- F1** Words in s. 39(1)(a) inserted (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), ss. 77(1), 79, [Sch. 1 para. 5\(b\)](#); S.S.I. 2007/334, [art. 2\(b\)](#), Sch. 2 (with savings in arts. 4-6)
- F2** Words in s. 39(1)(a) substituted (29.4.2013) by [The Welfare Reform \(Consequential Amendments\) \(Scotland\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/137\)](#), regs. 1, [6\(2\)](#)

Commencement Information

- II** S. 39 wholly in force 1.10.2003; s. 39 not in force at Royal Assent see s. 89(2); s. 39(3) in force for specified purposes at 6.3.2003 by [S.S.I. 2003/136](#), [art. 2](#); s. 39(3) in force for further specified purposes at 29.5.2003 by [S.S.I. 2003/267](#), [art. 2\(1\)](#); s. 39 in force in so far as not already in force at 1.10.2003 by [S.S.I. 2003/267](#), [art. 2\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 39.