



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 4 **S**

### MANAGEMENT OF RESIDENTS' FINANCES

#### 46 **Disapplication of Part 4 **S****

- (1) This Part shall not apply to any of the matters which may be managed under section 39 if—
- (a) there is a guardian, continuing attorney, or other person with powers relating to that matter; or
  - (b) an intervention order has been granted relating to that matter,
- but no liability shall be incurred by any person who acts in good faith under this Part in ignorance of any guardian, continuing attorney, other person or intervention order.
- (2) In this section any reference to—
- (a) a guardian shall include a reference to a guardian (however called) appointed under the law of any country to, or entitled under the law of any country to act for, an adult during his incapacity, if the guardianship is recognised by the law of Scotland;
  - (b) a continuing attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed), relating to the granter's property or financial affairs and having continuing effect notwithstanding the granter's incapacity.

**Changes to legislation:**

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 46.