



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 7

MISCELLANEOUS

81 Repayment of funds

(1) Where—

- (a) a continuing attorney;
- (b) a welfare attorney;
- (c) a withdrawer;
- (d) a guardian;
- (e) a person authorised under an intervention order; or
- (f) the managers of an authorised establishment within the meaning of Part 4,

uses or use any funds of an adult in breach of their fiduciary duty or outwith their authority or power to intervene in the affairs of the adult or after having received intimation of the termination or suspension of their authority or power to intervene, they shall be liable to repay the funds so used, with interest thereon at the rate fixed by Act of Sederunt as applicable to a decree of the sheriff, to the account of the adult.

(2) Subsection (1) shall be without prejudice to sections 69 and 82.

Commencement Information

- II** S. 81 partly in force; s. 81 not in force at Royal Assent see s. 89(2); s. 81(1)(a)-(c) in force and s. 81(2) in force for specified purposes at 2.4.2001 and s. 81 in force for further specified purposes by [S.S.I. 2001/81](#), arts. 2, 3, [Sch. 1](#), [Sch. 2](#) (as amended by [S.I. 2002/172](#), art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 81.