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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 76**

**ADULTS WITH INCAPACITY**

**The Adults with Incapacity (Certificates from Medical Practitioners) (Accounts and Funds) (Scotland) Regulations 2001**

<i>Made</i>	- - - -	<i>7th March 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th March 2001</i>
<i>Coming into force</i>	- -	<i>2nd April 2001</i>

The Scottish Ministers, in exercise of the powers conferred by sections 26(1)(f) and 86(2) of the Adults with Incapacity (Scotland) Act 2000(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Adults with Incapacity (Certificates from Medical Practitioners) (Accounts and Funds) (Scotland) Regulations 2001 and shall come into force on 2nd April 2001.

**Certificate from a medical practitioner**

**2.** The certificate from a medical practitioner for the purposes of section 26(1)(f) of the Adults with Incapacity (Scotland) Act 2000 shall be in the form set out in the Schedule.

St Andrew's House,  
Edinburgh  
7th March 2001

*JAMES R WALLACE*  
A member of the Scottish Executive

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(1) 2000 asp 4. See section 87(1) for the definition of "prescribed" and section 86(1) as to power to make regulations

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE

Regulation 2

Adults with Incapacity (Scotland) Act 2000 (“the Act”)

**Certificate of incapacity to accompany an application to the Public Guardian under section 26 of the Act for authority to intromit with funds**

I.....(full name)

of.....

(professional address)

have examined the following patient on .....(date), in my capacity as

.....\*

.....(patient’s name)

of.....

.....(address)...../...../.....(date of birth)

I am of the opinion that he/she is incapable in relation to decisions about, or incapable of acting to safeguard or promote his/her interests in, the funds specified in the accompanying application for authority to intromit with funds under section 26 of the Act.

I am of the opinion that the patient named above is incapable in terms of section 26(1)(f) of the Act because of:

mental disorder\*\*

inability to communicate because of physical disability\*\*

Brief description of mental disorder/inability to communicate.....

.....

.....

.....(signed).....(date)

\* the person signing the certificate must be a medical practitioner; insert as appropriate, eg GP, specialist in mental disorder

\*\* one of these **must** be deleted unless both apply

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the form of certificate from a medical practitioner to accompany an application to the Public Guardian under Part 3 of the Adults with Incapacity (Scotland) Act 2000 for authority to intromit with funds.

The certificate is set out in the Schedule to these Regulations. The certificate is completed by a medical practitioner who will confirm that the adult is incapable in relation to decisions about, or incapable of acting to safeguard or promote that adult's interest in, the funds.