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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 78**

**ADULTS WITH INCAPACITY**

The Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (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 section 26(1)(c) 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 (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001 and shall come into force on 2nd April 2001.

**Interpretation**

2. In these Regulations—

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

“advocate” means a practising member of the Faculty of Advocates;

“councillor” means a member of a council constituted by section 2 of the Local Government etc. (Scotland) Act 1994(2);

“executry practitioner” has the same meaning as in section 23 of the Law Reform Miscellaneous Provisions (Scotland) Act 1990(3);

“mental health officer” has the same meaning as in section 125 of the Mental Health (Scotland) Act 1984(4);

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(1) 2000 asp 4. See section 87(1) for the definition of “prescribe” and section 86(1) as to power to make regulations.  
(2) 1994 c. 39; section 2 was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 232(1).  
(3) 1990 c. 40.  
(4) 1984 c. 36.

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**Status:** This is the original version (as it was originally made).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

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“qualified conveyancer” has the same meaning as in section 23 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990;

“registered European lawyer” has the same meaning as in regulation 2 of the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000<sup>(5)</sup>;

“solicitor” has the same meaning as in section 65(1) of the Solicitors (Scotland) Act 1980<sup>(6)</sup>;

“registered teacher” has the same meaning as in section 135 of the Education (Scotland) Act 1980<sup>(7)</sup>.

### **Classes of persons who may countersign an application under section 26 of the Act**

**3.** An application made under section 26 of the Act shall be countersigned by a person who is a member of a class of persons referred to in the Schedule to these Regulations.

St. Andrew’s House,  
Edinburgh  
7th March 2001

*JAMES R WALLACE*  
A member of the Scottish Executive

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(5) S.S.I. 2000/121.

(6) 1980 c. 46; section 65 was amended and repealed in part by the Law Reform (Miscellaneous Provisions) Scotland Act 1990 (c. 40), Schedule 8, paragraph 29(15) and Schedule 9.

(7) 1980 c. 44

## SCHEDULE

Regulation 3

### CLASSES OF PERSONS WHO MAY COUNTERSIGN AN APPLICATION UNDER SECTION 26 OF THE ACT

Advocates  
Constables of a police force  
Established civil servants  
Executry practitioners  
Justices of the peace  
Councillors  
Members of Parliament  
Members of the European Parliament  
Members of the Scottish Parliament  
Mental health officers  
Ministers of religion  
Qualified conveyancers  
Registered European lawyers  
Registered medical practitioners  
Registered nurses  
Solicitors  
Registered Teachers

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### EXPLANATORY NOTE

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

These Regulations prescribe the classes of persons who may countersign an application made under section 26 of the Adults with Incapacity (Scotland) Act 2000.

Regulation 3 provides that a person who is a member of one of the classes of persons set out in the Schedule to these Regulations may countersign an application made under that section.