



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

[^{F1}PART 3

ACCOUNTS AND FUNDS

[^{F1}Authority to intromit

Textual Amendments

- F1** Pt. 3 substituted (1.4.2008) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\), ss. 58, 79\(3\); S.S.I. 2008/49, art. 2\(1\)](#) (with arts. 34)

25 Authority to intromit

- (1) A person mentioned in subsection (2) may apply to the Public Guardian for a certificate authorising the person to intromit with an adult's funds.
- (2) Those persons are—
 - (a) an individual (other than an individual acting in his capacity as an officer of a local authority or other body established by or under an enactment);
 - (b) two or more individuals who wish to act jointly; or
 - (c) a body (other than a manager of an authorised establishment within the meaning of section 35(2)).
- (3) An application under subsection (1) which is accompanied by an application under section 24D may only be granted if—
 - (a) an account is opened in pursuance of section 24D(5); and
 - (b) prescribed particulars of that account are notified to the Public Guardian in pursuance of section 24D(7).
- (4) Where the Public Guardian grants an application under subsection (1), the Public Guardian must—

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

- (a) enter prescribed particulars in the register maintained by the Public Guardian under section 6(2)(b)(iii); and
 - (b) issue a certificate of authority (a “withdrawal certificate”) to the applicant.
- (5) No application may be made under subsection (1) if a person is already authorised to intromit with the funds of the adult to whom the application relates (unless the application is made by that person).
- (6) In this Act, an individual or a body who holds a valid withdrawal certificate issued under this Part is referred to as a “withdrawer”.

26 Authority to intromit: application

- (1) An application under section 25(1) must—
- (a) state the purposes of the proposed intromission with the adult's funds, setting out the specific sums relating to each purpose;
 - (b) specify an account held by a fundholder in the adult's sole name which the applicant wishes to use for the purpose of intromitting with the adult's funds (or be accompanied by an application under section 24D to open an account for that purpose);
 - (c) contain an undertaking that the applicant will open an account (the “designated account”) solely for the purposes of—
 - (i) receiving funds transferred under the authority of any certificate granted; and
 - (ii) intromitting with those funds;
- (2) The application may also specify another account held by a fundholder in the adult's sole name which the applicant also wishes to use for the purpose of intromitting with the adult's funds (or be accompanied by an application under section 24D to open an account for that purpose).
- (3) In this Part—
- (a) the account specified or, as the case may be, opened for the purposes of subsection (1)(b) is referred to as the adult's current account.
 - (b) the account specified or, as the case may be, opened for the purposes of subsection (2) is referred to as the adult's second account.]

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