



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

[^{F1}PART 3

ACCOUNTS AND FUNDS

[^{F1}Authority to take preliminary steps

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)

24C Authority to provide information about funds

- (1) This section applies where a person—
 - (a) believes that an adult holds funds in an account in the adult's sole name; but
 - (b) cannot make an application under section 25 or section 26G because the person does not know—
 - (i) where the account is held;
 - (ii) the account details;
 - (iii) how much is held in the account; or
 - (iv) any other information needed to complete the application.
- (2) Where this section applies, the person may apply to the Public Guardian for a certificate authorising any fundholder to provide the person with such information as the person may reasonably require in order to make an application under section 25 or 26G.
- (3) Where the Public Guardian grants an application under subsection (2), the Public Guardian must issue the certificate to the applicant.
- (4) A fundholder presented with a certificate issued under subsection (3) is not prevented by—

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

- (a) any obligation as to secrecy; or
- (b) any other restriction on disclosure of information,

from providing the person who presents the certificate to it with such information as the person may reasonably require in order to make an application under section 25 or 26G about funds held by it on behalf of the adult.

24D Authority to open account in adult's name

- (1) This section applies where—
 - (a) a person believes that—
 - (i) an adult holds funds;
 - (ii) an adult is entitled to income or other payments or is likely to become so entitled; or
 - (iii) a fundholder holds funds on behalf of an adult; but
 - (b) the adult does not have a suitable account in the adult's sole name in which the funds, income or other payments can be placed for the purposes of intromitting with the adult's funds under this Part.
- (2) Where this section applies, the person may apply to the Public Guardian for a certificate authorising the opening of an account in the adult's name for the purpose of intromitting with the adult's funds.
- (3) Where the Public Guardian grants an application under subsection (2), the Public Guardian must issue the certificate to the applicant.
- (4) The certificate issued under subsection (3) may specify the kind of account which may be opened by a fundholder.
- (5) A fundholder presented with a certificate issued under subsection (3) may open an account in the adult's name.
- (6) But, if the certificate specifies a kind of account, the fundholder may open only an account of the type specified.
- (7) On an account being opened in pursuance of subsection (5), the applicant must notify prescribed particulars of the account to the Public Guardian.]

Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Cross Heading: Authority to take preliminary steps.