
Status: Point in time view as at 01/04/2002. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Adults
with Incapacity (Scotland) Act 2000, Paragraph 6. (See end of Document for details)

SCHEDULE 4 CONTINUATION OF EXISTING CURATORS, TUTORS, GUARDIANS AND ATTORNEYS UNDER THIS ACT

Application of Act to persons who become guardians by virtue of this schedule

- 6 (1) For the purposes of their application to persons who have become guardians by virtue of this schedule, the following provisions shall have effect as modified or disapplied by this paragraph.
- (2) In section 67(2) the reference to the certificate of appointment issued under section 58 shall be construed as a reference to the order of the court appointing the person as curator bonis, tutor-dative, tutor-at-law or guardian under the 1984 Act, as the case may be.
- (3) Section 60 shall apply to a person who has become a guardian to an adult by virtue of this schedule and who was a curator bonis, tutor dative or tutor-at-law to that adult; and, for the purpose of that application, for the reference in section 60(1) to a period in respect of which a guardianship order has been made or renewed there shall be substituted a reference to the period of 5 years from the relevant date or (in the case of a curator bonis who has under paragraph 1(2), became guardian to a person on his attaining the age of 16 years) from the date on which the person attained the age of 16 years.
- (4) Section 60 shall not apply to a person who has become a guardian to an adult by virtue of this schedule and who was a guardian of that adult under the 1984 Act, in which case the powers shall continue until such time as they would have continued had he not become a guardian by virtue of this schedule to this Act.
- (5) In sections 68(2) and (3) and 76 the references to the chief social work officer of the local authority shall be construed as including references to the local authority.
- (6) Schedule 2 shall apply only—
- (a) in a case where; and
 - (b) to the extent that,
- the Public Guardian has determined that it should apply.
- (7) Any determination by the Public Guardian under sub-paragraph (6), or a decision by him not to make such a determination, may be appealed to the sheriff, whose decision shall be final.
- (8) No reference in this Act to registration shall have effect in relation to any person who becomes a guardian by virtue of this schedule.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Paragraph 6.