



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 2 **S**

CONTINUING POWERS OF ATTORNEY AND WELFARE POWERS OF ATTORNEY

19 Registration of continuing or welfare power of attorney **S**

- (1) A continuing or welfare attorney shall have no authority to act until the document conferring the power of attorney has been registered under this section.
- (2) For the purposes of registration, the document conferring the power of attorney shall be sent to the Public Guardian who, if he is satisfied that a person appointed to act is prepared to act, shall—
 - (a) enter prescribed particulars of it in the register maintained by him under section 6(2)(b)(i) or (ii) as the case may be;
 - (b) send a copy of it with a certificate of registration to the sender;
 - (c) if it confers a welfare power of attorney, [^{F1}give notice of the registration of the document to both the local authority and] the Mental Welfare Commission.
- (3) The document conferring a continuing or welfare power of attorney may contain a condition that the Public Guardian shall not register it under this section until the occurrence of a specified event and in that case the Public Guardian shall not register it until he is satisfied that the specified event has occurred.
- (4) A copy of a document conferring a continuing or welfare power of attorney authenticated by the Public Guardian shall be accepted for all purposes as sufficient evidence of the contents of the original and of any matter relating thereto appearing in the copy.
- (5) The Public Guardian shall—
 - (a) on the registration of a document conferring a continuing or welfare power of attorney, send a copy of it to the grantor, ^{F2} . . .
 - (b) where the document conferring the continuing or welfare power of attorney so requires, send a copy of it to not more than two specified individuals or holders of specified offices or positions.

Changes to legislation: There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 19. (See end of Document for details)

- [^{F3}(c) where the document confers a welfare power of attorney and the local authority requests a copy of it, send such a copy to the local authority; and
- (d) where the document confers a welfare power of attorney and the Mental Welfare Commission requests a copy of it, send such a copy to the Mental Welfare Commission.]
- (6) A decision of the Public Guardian under subsection (2) as to whether or not a person is prepared to act or under subsection (3) as to whether or not the specified event has occurred may be appealed to the sheriff, whose decision shall be final.

Textual Amendments

- F1** Words in s. 19(2)(c) substituted (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), [ss. 57\(4\)\(a\)](#), 79; [S.S.I. 2007/334](#), [art. 2\(b\)](#), Sch. 2 (with savings in arts. 4-6)
- F2** Word in s. 19(5) repealed (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), [ss. 57\(4\)\(b\)\(i\)](#), 79; [S.S.I. 2007/334](#), [art. 2\(b\)](#), Sch. 2 (with savings in arts. 4-6)
- F3** S. 19(5)(c)(d) inserted (5.10.2007) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp 10\)](#), [ss. 57\(4\)\(b\)\(ii\)](#), 79; [S.S.I. 2007/334](#), [art. 2\(b\)](#), Sch. 2 (with savings in arts. 4-6)

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There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 19.