Adults with Incapacity (Scotland) Act 2000

2000 asp 4

[F1 PART 3

ACCOUNTS AND FUNDS

Joint and reserve withdrawers

[F1 26E Reserve withdrawers: authority to act

(1) Where—

(a) a reserve withdrawer has been appointed under section 26D; and

(b) the main withdrawer considers that the main withdrawer is or will be unable to carry out some or all of the main withdrawer's functions under this Part,

the main withdrawer may notify the Public Guardian that the main withdrawer wishes the Public Guardian to authorise the reserve withdrawer to intromit with the adult's funds for a specified period.

(2) Where a reserve withdrawer becomes aware that the main withdrawer is unable—

(a) to carry out some or all of the main withdrawer's functions in relation to intromitting with the funds concerned; and

(b) to notify the Public Guardian under subsection (1),

the reserve withdrawer may apply to the Public Guardian for a certificate authorising the reserve withdrawer to intromit with the adult's funds for a specified period.

(3) The Public Guardian, on being notified under subsection (1), must or, on an application under subsection (2), may—

(a) enter prescribed particulars in the register maintained by him under section 6(2)(b)(iii);

(b) issue a certificate of authority (a "withdrawal certificate") to the reserve withdrawer; and

(c) notify the adult and the main withdrawer.

(4) The certificate issued under subsection (3)(b) is—

(a) valid for the specified period, or such shorter period as the Public Guardian thinks fit, but does not extend beyond the date on which the validity of the withdrawal certificate issued to the main withdrawer would cease under section 31(1) or 31E(6), as the case may be;

(b) suspended during any period when the authority of the main withdrawer is suspended;

(c) terminated if the authority of the main withdrawer is terminated.

(5) The main withdrawer and the reserve withdrawer are liable (jointly and severally) for any loss incurred by the adult arising out of the reserve withdrawer's acts or omissions.

(6) In this section, "specified" means specified in the notice or, as the case may be, application.**]**

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)

Changes to legislation:
There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 26E.