



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 4

### MANAGEMENT OF RESIDENTS' FINANCES

#### 35 Application of Part 4

- (1) Subject to subsection (3), this Part applies to the management of the matters set out in section 39 relating to any resident of any of the following establishments—
- [<sup>F1</sup>(a) a health service hospital;
  - (b) an independent hospital or private psychiatric hospital;
  - (c) a State hospital;
  - (d) a care home service; and
  - (e) a limited registration service.]
- (2) In this Part establishments mentioned in paragraph (b), [<sup>F2</sup>(d) or (e)] of subsection (1) are referred to as “registered establishments”, all other establishments mentioned in subsection (1) are referred to as “unregistered establishments”, and registered and unregistered establishments together are referred to as “authorised establishments”.
- (3) This Part shall not apply to a registered establishment where notice in writing is given to the supervisory body by—
- (a) the managers of the registered establishment; or
  - (b) an applicant [<sup>F3</sup>, under section 7(1) of the Regulation of Care (Scotland) Act 2001 (asp 8), for registration of the service which comprises that] establishment,
- that it shall not apply.
- (4) The Scottish Ministers may by regulations amend the list of authorised establishments set out in subsection (1).
- (5) In this Part, “the managers” has the meaning set out in schedule 1; and “resident” in relation to an authorised establishment means an adult whose main residence for the

---

*Status: Point in time view as at 01/10/2003. This version of this provision has been superseded.*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, Section 35. (See end of Document for details)*

---

time being is the authorised establishment or who is liable to be detained there under the 1984 Act.

[<sup>F4</sup>(6) Expressions used in subsection (1) and in the Regulation of Care (Scotland) Act 2001 have the same meanings in that subsection as in that Act.]

#### **Textual Amendments**

- F1** S. 35(1)(a)-(e) substituted (1.4.2002) for s. 35(1)(a)-(g) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(a); S.S.I. 2002/162, **art. 2**
- F2** Words in s. 35(2) substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(b); S.S.I. 2002/162, **art. 2**
- F3** Words in s. 35(3)(b) substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(c); S.S.I. 2002/162, **art. 2**
- F4** S. 35(6) added (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(2)(d); S.S.I. 2002/162, **art. 2**

**Status:**

Point in time view as at 01/10/2003. 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, Section 35.