



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—
 - (a) a hospital or other premises mentioned in section 10(3)(a) of the Nursing Homes Registration (Scotland) Act 1938 (c. 73) (“the 1938 Act”);
 - (b) a nursing home registered under the 1938 Act;
 - (c) a hospital or similar institution which, but for section 6 of that Act, would require to be registered under the 1938 Act;
 - (d) an establishment in respect of which there is registration under section 61B, 62 or 63 of the Social Work (Scotland) Act 1968 (c. 49) (“the 1968 Act”);
 - (e) an establishment in relation to which, but for the exception provided by section 61(1A)(a) of the 1968 Act, there would require to be registration under section 62 or 63 of the 1968 Act;
 - (f) a private hospital registered under Part IV of the Mental Health (Scotland) Act 1984 (c. 36) (“the 1984 Act”);
 - (g) a State hospital.
- (2) In this Part establishments mentioned in paragraph (b), (ca), (cb), (d) or (f) 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 for registration of an establishment,

Status: This is the original version (as it was originally enacted).

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