



# Adults with Incapacity (Scotland) Act 2000

2000 asp 4

## PART 4

### MANAGEMENT OF RESIDENTS' FINANCES

#### 40 Supervisory bodies

[<sup>F1</sup>(1) The supervisory body for the purposes of this Part is, in relation to—

(a) [<sup>F2</sup>a registered establishment which is—

(i) registered under the Public Services Reform (Scotland) Act 2010, Social Care and Social Work Improvement Scotland;]

[registered under the National Health Service (Scotland) Act 1978,  
<sup>F3</sup>(ii) Healthcare Improvement Scotland;]

(b) an unregistered establishment, the Health Board for the area in which the establishment is situated;]

and any reference in this Part to an authorised establishment in relation to a supervisory body is a reference to an authorised establishment for which the supervisory body is responsible.

(2) [<sup>F4</sup>The] supervisory body shall from time to time make inquiry as to the manner in which the managers of an authorised establishment are carrying out the management of residents' affairs and in particular the manner in which they are carrying out their functions under section 41.

(3) [<sup>F4</sup>The] supervisory body shall investigate any complaint received as to the manner in which the managers of an authorised establishment are managing residents' affairs.

(4) The Scottish Ministers may [<sup>F5</sup>, as respects any authorised establishment, amend subsection (1) by substituting for the supervisory body allotted to that establishment a different supervisory body.].

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**Changes to legislation:** *There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 40. (See end of Document for details)*

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### **Textual Amendments**

- F1** S. 40(1)(a)(b) substituted (1.4.2002) for words "from the beginning of the subsection to the end of paragraph (c)" by virtue of 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(3)(a); S.S.I. 2002/162, **art. 2** (subject to arts. 3-13)
- F2** S. 40(1)(a) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 1 para. 8(3)**
- F3** S. 40(1)(a)(ii) inserted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 2 para. 5(3)**
- F4** Word in s. 40(2)(3) substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(3)(b); S.S.I. 2002/162, **art. 2**
- F5** Words in s. 40(4) substituted (1.4.2002) by 2001 asp 8, ss. 79, 81(2), Sch. 3 para. 23(3)(c); S.S.I. 2002/162, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Adults with Incapacity (Scotland) Act 2000, Section 40.