

*These notes relate to the Adults with Incapacity (Scotland)
Act 2000 (asp 4) which received Royal Assent on 9 May 2000*

ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

EXPLANATORY NOTES

THE ACT

Part 4: Management of Residents' Finances

Section 41: Duties and functions of managers of authorised establishment

155. Subsection (1) imposes duties on the managers of authorised establishments in relation to the manner in which they deal with residents' affairs. Residents' funds must be held separately from those of the establishment; funds must either be held in separate accounts or residents' individual balances must be readily identifiable to the extent that the supervisory body requires this; when a resident's funds reach a level to be prescribed by regulations they must be placed in an interest bearing account and not simply held as cash; managers must keep proper records of their use of residents' funds and provide these records to the resident, their nearest relative and the supervisory body on request; managers must only use a resident's funds for that resident's benefit; and establishments managing funds must insure against any loss of those funds which results from the managers' acts or omissions. Paragraph (h) clarifies that a resident's funds should not be spent on services that are normally provided by the establishment.