



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 4

MANAGEMENT OF RESIDENTS' FINANCES

45 Appeal, revocation etc

- (1) Where it appears to a supervisory body that the managers of an authorised establishment are no longer operating as such or have failed to comply with any requirement of this Part or that, for any other reason, it is no longer appropriate that they should continue to manage residents' affairs it may revoke—
 - (a) in the case of a registered establishment to which section 61B of the Social Work (Scotland) Act 1968 (c. 49) applies, the registration;
 - (b) in any other case, the power to manage.
- (2) Where the managers of a registered establishment have given notice to the supervisory body under section 35(3) the supervisory body shall revoke the registration.
- (3) Where a registration or a power to manage has been revoked under this section, the supervisory body shall within a period of 14 days from such revocation take over management of the residents' affairs and, where they do so, comply with the requirements imposed by and under this Part upon the managers of an authorised establishment.
- (4) The supervisory body shall, within the period of 3 months after taking over management of residents' affairs under subsection (3), cause that management to be transferred to such other establishment, authority or person (who may be the resident) as they consider appropriate.
- (5) Where the supervisory body is satisfied that the circumstances mentioned in subsection (1) no longer apply in relation to an establishment whose power to manage it has revoked, it may annul the revocation of the power and, where necessary, of the registration.
- (6) Any decision of a supervisory body may be appealed to the sheriff, whose decision shall be final.