



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 2

ADULTS WITH INCAPACITY

61 Power to obtain records

After section 81 of the 2000 Act insert—

“81A Public Guardian’s power to obtain records

- (1) The Public Guardian may, when carrying out an investigation under section 6(2)(c) or (d) or inquiries under section 30B(2)—
 - (a) require any person falling within subsection (2) to provide the Public Guardian with—
 - (i) the person’s records of the exercise of the person’s powers in relation to the adult to whom the investigation relates; and
 - (ii) such other information relating to the exercise of those powers as the Public Guardian may reasonably require,
 - (b) require any person who holds (or who has held) funds on behalf of the adult to whom the investigation relates to provide the Public Guardian with—
 - (i) its records of the account; and
 - (ii) such other information relating to those accounts as the Public Guardian may reasonably require.
- (2) A person falls within this subsection if the person is or has been—
 - (a) a continuing attorney appointed by the adult to whom the investigation relates;
 - (b) a withdrawer with authority to intromit with that adult’s funds;
 - (c) a person authorised under an intervention order to act in relation to that adult; or
 - (d) that adult’s guardian.

Status: This is the original version (as it was originally enacted).

- (3) A fundholder may charge a reasonable fee for complying with a requirement under subsection (1)(b) and may recover that fee from the account concerned.”.