



Adults with Incapacity (Scotland) Act 2000

2000 asp 4

PART 1

GENERAL

The Public Guardian

6 The Public Guardian and his functions

- (1) The Accountant of Court shall be the Public Guardian.
- (2) The Public Guardian shall have the following general functions under this Act—
 - (a) to supervise any guardian or any person who is authorised under an intervention order in the exercise of his functions relating to the property or financial affairs of the adult;
 - (b) to establish, maintain and make available during normal office hours for inspection by members of the public on payment of the prescribed fee, separate registers of—
 - (i) all documents relating to continuing powers of attorney governed by the law of Scotland;
 - (ii) all documents relating to welfare powers of attorney governed by the law of Scotland;
 - (iii) all authorisations to intromit with funds under Part 3;
 - (iv) all documents relating to guardianship orders under Part 6;
 - (v) all documents relating to intervention orders under Part 6,in which he shall enter any matter which he is required to enter under this Act and any other matter of which he becomes aware relating to the existence or scope of the power, authorisation or order as the case may be;
 - (c) to receive and investigate any complaints regarding the exercise of functions relating to the property or financial affairs of an adult made—
 - (i) in relation to continuing attorneys;
 - (ii) concerning intromissions with funds under Part 3;

Status: This is the original version (as it was originally enacted).

- (iii) in relation to guardians or persons authorised under intervention orders;
 - (d) to investigate any circumstances made known to him in which the property or financial affairs of an adult seem to him to be at risk;
 - (e) to provide, when requested to do so, a guardian, a continuing attorney, a withdrawer or a person authorised under an intervention order with information and advice about the performance of functions relating to property or financial affairs under this Act;
 - (f) to consult the Mental Welfare Commission and any local authority on cases or matters relating to the exercise of functions under this Act in which there is, or appears to be, a common interest.
- (3) In subsection (2)(c) any reference to—
- (a) a guardian shall include a reference to a guardian (however called) appointed under the law of any country to, or entitled under the law of any country to act for, an adult during his incapacity, if the guardianship is recognised by the law of Scotland;
 - (b) a continuing attorney shall include a reference to a person granted, under a contract, grant or appointment governed by the law of any country, powers (however expressed), relating to the granter's property or financial affairs and having continuing effect notwithstanding the granter's incapacity.